

The *Acts and Resolves Passed by the General Assembly of the State of Vermont* contain information on corporations formed by a special act of the legislature. Incorporations that relate to Rutland or Rutland County were extracted and compiled into this document by the Rutland Historical Society. In addition to businesses it includes groups such as cemetery associations and town-based organizations. Also added are a few items of general interest, not specifically Rutland, such as slavery and slave trade, Indian tribes, environmental acts, paintings in the State House, maple syrup, social issues, Liberia, land given to New York, and Gettysburg monuments. It is searchable as well. We are missing some volumes, so entries for missing years are not included in the document.

The Rutland References information was extracted from the document *Vermont Corporations* edited and compiled by D. Gregory Sanford in 1987. Yellow highlighting indicates that there is an entry in this document. The initials RFC stands for Records of the Formation of Corporations, which can be found at the state archives. Those designated with RFC were formed through articles of association rather than a special act and are not found in the Acts & Resolves books.

## References to Rutland in Acts Resolves of the State of Vermont

Adams Manufacturing Co. (Rutland Co.)

1867: 152-153 (125), charter.

Addison Railroad Co.

1867: 201-204 (154), charter.

1868: 279-281 (177), towns in Addison and Rutland counties may aid in constructing of

1870: 530 (258), limits towns that may aid.

1900: 123-127 (153), may consolidate with RUTLAND RAILROAD COMPANY.

1902: 180 (165), rules of operation.

Albion Marble Co. (Rutland Center)

1882: RFC I 261, charter.

American Marble Co. (Rutland)

1853: 109-110 (101), charter.

1866: 155-157 (128), charter.

American Trust Co. (Rutland)

1869: 158-159 (116), charter.

1870: 355-356 (215), extending time for open books.

1904: 467-471 (294), charter.

1906: 639 (379), name changed to BAXTER TRUST COMPANY; charter extended.

Aqueduct Company of the East Parish of Rutland

1800: 42-45, charter.

Atlas Guarantee Co. (Rutland)

1882: 143-146 (160), charter.

Barnes Marble Co. (Clarendon and Rutland)

1881: RFC I 294, charter.

Bastardy Proceedings

1884: 87

Baxter Trust Co. (Rutland)

1906: 639 (379), name changed from AMERICAN TRUST COMPANY.

1908: 522 (353), charter extended.

1910: 441-442 (298), capital stock; charter extended.

Bennington and Rutland Railroad Co.

1865: organized under General Statute, Chapter 28.

1867: 204-205 (155), may consolidate with LEBANON SPRINGS RAILROAD COMPANY.

1867: 339-340 (2)(spec. 1867), may purchase bonds of LEBANON SPRINGS RAILROAD COMPANY.

1868: 203-211 (137), may extend road to West Rutland.

1869: 176 bonds

1877: RFC I 152-156, charter.

1878: 176 (187), bonds legalized.

1900: 102-103 (139), bonds legalized.

1900: 123-127 (153), may consolidate with RUTLAND RAILROAD COMPANY.

Black and White Marble Co. (Rutland)

1882: RFC I 293, charter.

Bradley and Cardell Manufacturing Co. (Rutland)

1887: RFC I 227, charter.

Brandon Iron and Car Wheel Co.

1851: 123-124 (118), charter.

1852: 188-189 (137), may do business in Brandon and Rutland; capital stock increased.

1853: 132 (119), may increase capital; may purchase real estate.

1864: 199 (142), name changed to BRANDON MINING COMPANY.

Brandon Marble & Lime Co.

1853: 107-108

Castleton Hotel Co.

1853: 115-116

Champlain and Connecticut River Railroad Co.

1843: 50-56 (54), charter.

1844: 43-44 (3), number of commissioners; damages; expenses.

1845: 75-76 (27), directors; tolls; books; mail.

1847: 93 (21), name changed to RUTLAND AND BURLINGTON RAILROAD COMPANY.



## References to Rutland in Acts Resolves of the State of Vermont

### Chittenden Power Co.

1900: organized under General Law.

1902: 257-258 (200), may issue bonds.

1908: 466-468 (303), may consolidate into the RUTLAND RAILWAY, LIGHT AND POWER COMPANY

City Electric Railway Co. (Rutland)

1894: RFC III 485-487, charter.

Clarendon Marble Co. (Clarendon, Rutland, and Fair Haven)

1886: RFC I 387, charter.

Clarendon Marble Co. (Rutland and elsewhere)

1892: RFC III 18, charter.

### Columbia Building Assoc. (Rutland)

1896: 284-286 (192), charter.

Columbia Building Co. (Rutland)

1896: RFC III 381, charter.

### Columbian Marble Co. (Rutland)

1853: 108-109 (100), charter.

Columbian United Electric Co. (Rutland)

1892: 346-348 (200), charter.

Combination Cash Store Co. (Rutland)

1890: RFC II 7, charter.

### Congregational Pew Assoc. (Rutland)

1892: 374-375 (218), charter.

Divorces, Diminishing Frequency of

1884: 86

Eagle Railroad and Slate Co. (Rutland Co.)

1853: 102-104

1874: 288-289 (163), may issue bonds; name changed to

EAGLE SLATE COMPANY. Eagle Slate Co.

1874: 288-289 (163), name changed from EAGLE RAILROAD AND SLATE COMPANY; may issue bonds.

Elizabeth Mining Co. (Rutland)

1881: RFC 1293, charter.

### Evergreen Cemetery Assoc. (Rutland)

1861: 122-123 (100), name changed from PINE HILL CEMETERY ASSOCIATION.

1880: 160-161 (167), corporation may take, by purchase or gift; land.

1884: 263 (251), part of 1880 act (167) repealed; 1860 act (173) restored.

1886: 104-105 (146), name change legalized.

1896: 424 (268), removal of bodies following non-payment of bills.

1931: 207 (191), exemption from taxation.

Express Assoc. (Rutland)

1886: RFC I 393, charter.

### Fair Haven, Partial Annexation to New /York State

1876:380

F. R. Patch Manufacturing Co. (Rutland)

1892: RFC III 81, charter.

### Gettysburg Monuments

1886: 210-211

1888: 296-297

Globe Paper Co. (Rutland)

1873: RFC 0 230-231, charter.

### Grand Army Republic (GAR)

1880: 85

Green Mountain Livestock Co.

1884: 175-176

### Green Mountain Marble Co.

1870: 286-287

## References to Rutland in Acts Resolves of the State of Vermont

### Hemenway Gazetteer

1880: 120-121

1877: RFC I 157, charter.

Higgins Drug Co. (Rutland)

1895: RFC III 310, charter.

Houston Cure Co. (Rutland) Cocaine and other addictions

1893: RFC III 142, charter.

### Howe Scale Co. (Brandon, Rutland)

1860: 135-137 (108), charter.

1878: 190-192 (195), charter; may merge with BRANDON MANUFACTURING COMPANY.

1880: RFC I 182, certificate of transfer and payment of stock.

1883: RFC 1274, certificate of increased capital.

1884: 175 (207), stock.

1886: 114-116 (157), name changed to HOWE SCALE COMPANY OF 1886.

Howe Scale Company of 1886 (Rutland)

1886: 114-116 (157), name changed from HOWE SCALE COMPANY.

1898: 354-355 (246), contracting with other individuals.

1904: 529 (325), name changed to HOWE SCALE COMPANY.

1910: 474-475 (417), principal office.

### Indians

1868: 69

1886: 77-78

1888: 163

International Combustion Co. (Rutland)

1894: 368-369 (259), charter.

Kearsage Marble Co. (Rutland)

1875: RFC I 80, charter.

### Killington Hotel Co.

1867: 143-144 (117), charter.

Killington Railroad Co.

1868: 211-214 (138), charter.

1868: 284-286 counties may aid.

1869: 114-115 (97), relocation of east terminus.

1872: 345-346 (206), may construct branch; change location of terminus.

Knights of Columbus Building Assoc. (Rutland)

. 1921: 262 (259), exempt from taxation.

### Lake Bomoseen Protection of Fish

1886: 218-219

1888: 336

Lake Champlain Club (Rutland)

1895: RFC III 311, charter.

### Lake St. Catherine Protection of Fish

1888: 337

BENNINGTON AND RUTLAND RAILROAD COMPANY.

1867: 339-340 (2)(spec. 1867), BENNINGTON AND RUTLAND RAILROAD COMP

ANY may purchase bonds of.

### Liberia

1851

1867: 88

Lincoln Iron Works (Rutland)

1882: RFC I 296, charter.

### Maple Syrup, Adulteration of

1884: 77

Marble City Electric Co. (Rutland)

1893: RFC III 171, charter.

### Marble Savings Bank (Rutland)

1880: 185 (188), charter.

Medical Society of the County of Rutland

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## References to Rutland in Acts Resolves of the State of Vermont

1813: 90-98 (61), charter (General Act).

1814: 44-45 (40), regulations (General Act).

Mercantile Trust Co. (Rutland)

1874: 258-267 (155), charter. STATE PAPERS OF VERMONT

1876: 306 (181), time limit extended for opening books.

Montpelier and Rutland Railroad Co.

1872: 371-375 (214), charter.

111

1872: 638-641 (283), towns in Washington, Windsor, Addison, and Rutland counties may aid.

National Automatic Car Coupler Co. (Rutland)

1882: RFC I 260, charter.

National Marble Co.

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1882: 160-161

New American Marble Co.

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1870: 287-289

New England Fire Insurance Co. (Rutland)

1880: 173-176 (176), charter.

1898: 346-347 (243), general provisions.

Nickwacket Engine Co. No.1 (Rutland)

1860: 153 (115), charter.

North Rutland Marble Co.

1867: 173-174 (137), charter.

Ogdensburg and Lake Champlain Railroad Co.

1890: 183-184 (112), may consolidate with other railroads.

1898: 135 (163), operators may hold stock in other road corporations.

1900: 123-127 (153), consolidation with RUTLAND RAILROAD COMPANY.

Old West Street Cemetery (Rutland)

1910: 438-441 (397), charter.

Otter Creek, Preservation of

1868: 321-322

Paragon Marble Co. (Rutland)

1884: RFC I 304, charter.

P. E. Chase Co. (Rutland)

1896: RFC III 389, charter.

P. E. Chase Manufacturing Co. (Rutland)

1886: RFC I 529, charter.

Pelton Printing Co. (Rutland)

1889: RFC I 514, charter.

People's Gas Light Co. (Rutland)

1862: 86-87 (60), charter.

1867: 359-364 (12), charter.

1882: 142-143 (159), annual meeting time.

1902: 268 (206), may develop electric power.

135

1908: 466-468 (303), may consolidated into RUTLAND RAILWAY, LIGHT & POWER COMPANY.

Phair, John R., Counsel for the State

1878: 142

Pine Hill Aqueduct Co. (Rutland)

1867: 105-107 (97), charter.

Pine Hill Cemetery Assoc. (Rutland)

1860: 145-149 (113), charter.

137

1861: 122-123 (100), name changed to EVERGREEN CEMETERY ASSOCIATION.

1886: 104-105 (146), name change legalized.

Pittsford and Rutland Railroad Co.

1890: RFC II 26-28, charter.

Poor, Overseer of using remains for medical purposes

## References to Rutland in Acts Resolves of the State of Vermont

and protection of remains

1884: 80-81

Proctor, Incorporation of

1884: 191-203

1886: 88-91

1888: 270

1898: real estate appraisal

Proctor Trust

1890: 161-163

Pythian Assoc. (Rutland)

1912: 558 (394), property exempt from taxes.

1912: 558-559 (395), property exempt from taxes.

Review Co. (Rutland)

1883: RFC I 283, charter.

1883: RFC I 334, certificate of paid up capital.

Roberts, George T. Portrait

1882: 114

Royce, Gov. Painting

1870: 157

Rutland Academy

1850: 144-145 (121), charter.

1859: 138 (103), may sell real estate.

Rutland Academy of Music

1858: 191-192 (123), charter.

Rutland and Addison Mutual Fire Insurance Co.

1851: 107-108 (103), payment; premiums.

1855: 204 (127), losses; premium notes.

Rutland and Bethel Railroad Co.

1869: 131-136 (103), charter.

1912: 545-547 (381), charter.

Rutland and Burlington Railroad Co.

1847: 93 (21), name changed from CHAMPLAIN AND CONNECTICUT RIVER RAILROAD COMPANY.

1849: 69-70 (58), may extend road.

1850: 86-87 (101), number of directors; stock.

Rutland and Castleton Railroad Co.

1862: 75-85 (58), charter.

1864: 186-189 (135), charter.

Rutland and Chittenden Plank Road Co.

1852: 108-112 (91), charter.

Rutland and Connecticut River Railroad Co.

1835: 71-80 (35), charter.

Rutland and Granville Railroad Co.

1890: RFC II 36-38, charter.

Rutland and Montpelier Railroad Co.

1896: 307-308 (203), charter.

1900: 121 (151), charter extended.

1902: 231-233 (186), officers; real estate; eminent domain; right to consolidate.

1906: 549-550 (324), election of directors.

1906: 550 (325), construction time.

1910: 398 (360), charter extended.

Rutland and Noyan Railway Co.

1900: 123-127 (153), consolidation with RUTLAND RAILROAD COMPANY.

Rutland and Pittsford Marble Co.

1872: 302-304 (190), charter.

Rutland and Poultney Railroad Co.

1883: RFC I 323-325, charter.

Rutland and Reese River Mining Co.

## References to Rutland in Acts Resolves of the State of Vermont

1865: 163-164 (123), charter.

Rutland and Stockbridge Turnpike Co.

1804: 149-157 (108), charter.

1805: 75-76 (38), accounts; time limits; tolls.

1806: 130-137 (94), regulations.

1813: 65-66 (48), gate.

1828: 58-59 (57), resurvey road; toll.

1833: 100-101 (57), resurvey road.

Rutland and Tidewater Railroad Co.

1882: 176-178 (180), charter.

1886: 158-159 (183), construction of road.

1896: 335-336 (216), time limit for construction; use of

1908: 479-480

1912: 554 (387), charter extended,

### CORPORATE CHARTERS

Rutland and Washington Railroad Co.

1847: 77-84 (17), charter.

1849: 71 (60), may construct branch.

1892: 409-411 (252), consolidation of rail lines; duties of commissioners.

Rutland and Whitehall Railroad Co.

1831: 61-67 (40), charter.

1833: 96 (51), term extended.

1834: 95 (59), time for receiving stock subscriptions extended.

1838: 81 (14), term extended.

1840: 43 (32), charter revived.

1848: 42-50 (1), charter.

1851: 83 (89), may build branch.

Rutland and Woodstock Railroad Co.

1865: 181-183 (133), charter.

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1868: 296-298 (184), any town on line of, or adjoining to a town on line of, may aid.

1874: 241-242 (148), time limit for commencement of  
construction extended.

1880: 193 (195), charter.

1882: 181-182 (182), appointment of commissioners;  
duties.

1886: 160 (185), election of officers.

1886: 160 (186), construction.

1892: 20-21 (12)(spec. 1891), charter revived and extended.

1900: 122 (152), charter revived and extended.

1902: 234-236 (188), water privileges; rights of way;  
crossing tracks; construction;  
care of streets.

Rutland Aqueduct Company, East Parish

1800: 42-45, charter.

1850: 156-157 (120), may convey water through such lands as are necessary.

1851: 136 (127), stock shares; mortgage.

1852: 158-159 (115), may connect with Rutland Village to improve water supply.

Rutland, Bank of

1824: 67-74 (49), charter.

1824: 75 (50), shares.

1828: 44 (42), directors.

1839: 61-65 (5), charter extended.

1840: 37-38 (28), charter extended.

1850: 129-131 (116), capital stock enlarged.

1853: 170-173 (137), charter extended; capital stock enlarged.

1854: 144 (109), additional commissioners.

1858: 177 (112), charter extended.

Rutland Board of Trade

## References to Rutland in Acts Resolves of the State of Vermont

1894: RFC III 201, charter.

Rutland Boot and Shoe Co.

1867: 120-121

Rutland Bicycle Club

1884: RFC 1285, charter.

Rutland-Canadian Railroad Co.

1898: 128-132 (160), charter.

1900: 123-127 (153), consolidation with RUTLAND RAILROAD COMPANY.

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Rutland Car Co.

1852: 169-170 (124), charter.

Rutland Cemetery Assoc.

1854: 126-129 (104), charter.

Rutland City Charter

1908: 276-325

1915: 455-460

Rutland City Electric Co.

1908: 466-468 (303), may consolidate into RUTLAND RAILW A Y, LIGHT & POWER COMPANY.

Rutland City Incorporation

1900: 165-182

1906: 423-481

Rutland City Quadrennials

1898: 403-404

Rutland City

1904 297 bonds to build city hall

Rutland City Military Drum Corps.

1895: RFC III 271, charter.

Rutland City

1912: 409, appropriate money for street carnivals

Rutland Cold Storage Co.

1894: RFC III 220, charter.

Rutland Copper Mining Co.

1863: 75-76 (66), charter.

Rutland Cotton Manufacturing Co.

1828: 47-48 (47), charter.

1832: 103 (47), new member added.

Rutland County Agricultural and Manufacturing Society

1819: 157-158 (134), charter.

Rutland County Agricultural Society

1818: 101-102 (22), charter (General Act).

1843: 14 (18), charter (General Act).

Rutland County Bank

1861: 94-97 (83), charter.

Rutland County Bar Library

1872: 130 (97), state library to send documents to.

Rutland County Court

1910: 90

Rutland County Courthouse

1868

1870: 555

Rutland County Dispensary

1878: 160-161 (179), charter.

Rutland County Fish Breeding Assoc.

1867: 135-136 (112), charter.

Rutland County Jail

1853: 52-53

1867: 306-307

1876: 388-390

## References to Rutland in Acts Resolves of the State of Vermont

Rutland County Manufacturing Co.

1865: 138-140 (107), charter.

Rutland County Marble Co.

1865: 156-157 (119), charter.

Rutland County Marble Co. (West Rutland)

1891: RFC III 15, charter.

Rutland County Park

Rutland County Peat Co.

1866: 187-188 (151), charter. CORPORATE CHARTERS

Rutland County Reservoir Co.

1865: 76-77 (75), charter.

Rutland County Sheriff

1878:53:00

Rutland County Slate and Tile Co.

1864: 209-210 (150), charter.

Rutland County Slate Co.

1865: 187-188 (136), charter.

Rutland County Telephone and Telegraph Co.

1904: 516-518 (314), charter.

1908: 546 (367), capital stock.

Rutland County Trust Co.

1872: 486-494 (243), charter.

1880: 186-187 (189), name changed to STATE TRUST COMPANY.

Rutland County Trust Co.

1904: 484-488 (302), charter.

1906: 680 (396), charter extended.

1908: 541 (360), charter extended.

1910: 455 (404), charter extended.

1912: 601-602 (420), charter extended.

Rutland Cracker Co.

1883: RFC I 322, charter.

Rutland Driving Park Assoc.

1895: RFC III 280, charter.

Rutland East Creek Manufacturing Co.

1836: 100-101 (54), charter.

Rutland Electric Light Co.

1885: RFC I 368, charter.

1886: RFC I 391, certificate of increase of capital.

1891: RFC II 74, certificate of increase of capital.

Rutland Electric Light and Power Co.

1886: 108-109 (150), charter.

Rutland English and Classical Institute

1890: 213-214 (129), charter.

Rutland Fire Clay Co.

1883: RFC 1283, charter.

1900: 333 (241), may wholesale and retail.

1908: 495-496 (325), charter declared valid.

Rutland Fire Society

1811: 110-112 (94), charter.

1818: 210-211 (8), granting relief.

1829: 59-61 (36), charter.

Rutland Foundry and Machine Shop Co.

1855: 161-162 (100), charter.

Rutland Foundry and Machine Shop Company and the

Charles P. Harris Manufacturing Co.

1882: 141-142 (158), charter.

Rutland Free Library

1898: 12-13 (10)(spec. session back of book 1898), city may appropriate money for its operation and upkeep.

1908: 500-501 (331), taxes appropriated for support and maintenance.

## References to Rutland in Acts Resolves of the State of Vermont

### Rutland Gas Light Co.

1852: 143-146 (110), charter.

1853: 135 (123), directors' election term extended.

1855: 145-150 (92), charter.

1858: 143-144 (89), charter.

### Rutland Graded School

1867: 366-367

1870: 170

1888: 317

1890: 213

### Rutland Granite Co.

1891: RFC II 107, charter.

### Rutland Hospital

1892: 376-377 (220), charter.

### Rutland Hotel Co.

1850: 150-151 (126), charter.

### Rutland House of Correction

1906: 254

### Rutland Insurance Co.

1864: 128-132 (102), charter.

### Rutland Iron Manufacturing Co.

1825: 99-100 (57), charter.

### Rutland Italian American Club Inc.

1939: 298-299 (250), exempted from taxation.

### Rutland Manufacturing Co.

1864: 193-194 (139), charter.

### Rutland Marble Co.

1854: 82-84 (81), charter.

1883: RFC I 330, charter.

### Rutland Masonic Assoc.

1900: 337-338 (244), charter.

### Rutland Missionary Assoc.

1866: 268-269 (180), charter.

1888: 170 (186), powers.

### Rutland Power Co.

1867: 194-195 (150), charter.

### Rutland Private Hospital Assoc.

1895: RFC III 296, charter.

### Rutland Publishing Co.

1904: 533-534 (327), charter. CORPORATE CHARTERS

### Rutland Railroad Co.

1867: 341-345 (3)(spec. 1867), charter.

1867: 222 (163), route changed; branch extended.

1868: 217-218

1870: 339-340

1872: 381-383 (219), bonds issued; mortgage.

1890: 187 (115), empowered to purchase, own, and control stock of ADDISON RAILROAD COMPANY.

1898: 133-134 (164), use of capital stock.

1900: 123-127 (153), consolidation.

1902: 233 (187), directors' vacancies filled.

1904: 245-246 (196), directors' vacancies filled.

1908: 479 (313), office of treasurer and clerk.

### Rutland Railroad Bank

1836: 72-80 (38), charter.

1838: 80-81 (13), subscriptions.

### Rutland Railway, Light and Power Co.

1908: 466-468 (303), formed by the consolidation of

RUTLAND STREET RAILWAY



## References to Rutland in Acts Resolves of the State of Vermont

COMPANY, PEOPLE'S GAS LIGHT COMPANY, RUTLAND CITY ELECTRIC COMPANY, CHITTENDEN POWER COMPANY, and VERMONT INTERNAL IMPROVEMENT COMPANY.

1912: 529, act to amend an act

Rutland Savings Bank

1850: 153-156 (128), charter.

Rutland Slate and Tile Co.

1864: 209-210 (150), charter.

Rutland Soldiers' Memorial Hall Library Assoc.

1886: 97-99 (143), charter.

Rutland Street Railway Co.

1882: 179-181 (181), charter.

1896: 336-337 (217), may run rails across those of another railroad company.

1896: 337-338 (218), towns of operation designated; power for company.

1902: 236-237 (189), erect wires; construction of lines.

1908: 466-468 (303), may consolidate into RUTLAND RAILWAY, LIGHT & POWER COMPANY.

Rutland, Tax on

1857: 70-71

1867: 311

1868: 304-306

1870: 557

1884: 272-273

1886: 209

Rutland, Town of

1880: 224

Rutland Transit Co.

1900: 123-127 (153), consolidation with RUTLAND RAILROAD COMPANY.

1900: 128 (154), mortgage.

Rutland Trust Co.

1882: 205-209 (189), charter.

Rutland, Village of

1869: 244-245

1870: 504-505

1876: 345-347

1878: 212-214

1880: 223-224

1882: 232-251

1884: 178-179

1886: 194-199

1888: 240-245, 319

1890: (Parks) 248-251

Rutland Water Co.

1853: 111-113 (103), charter.

Rutland White and Blue Marble Co.

1896: RFC III 334, charter.

Rutland White Marble Co. (West Rutland)

1892: RFC III 28, charter.

154

Rutland Woolen Manufacturing Co.

1862: 89-91

Rutland Young Men's Christian Assoc.

1902: 412-413 (246), charter.

St. John the Baptist Benevolent Society (Rutland)

1890: 224-225 (140), charter.

St. Peter's Hibernian Benevolent Union (Rutland)

1884: 142-143 (183), charter.

Saw Dust Pulp and Paper Co. (Rutland)

## References to Rutland in Acts Resolves of the State of Vermont

1884: 171-172 (203), charter.

School Textbooks

1886: 27-29

Scott, Julian Civil War Painting Statehouse

1870: 157-158

Shaver Telephone Co. (Rutland)

1891: RFC II 104, charter.

Sheldon and Slason Marble Co.

161

1865: 157-158 (120), name changed from WEST RUTLAND STEAM MARBLE COMPANY.

1866: 169 (137), name changed to SHELDONS AND SLASON MARBLE COMPANY.

Sheldon Marble Co.

1882: 161-163

1888: 182

Shortsleeves Machine Co. (Rutland)

1884: RFC I 357-358, charter.

Sisters of St. Joseph Society (Rutland)

1896: RFC III 340, charter.

Slavery

1849: 47-48

1850: 9-10

1851

Smead Warming and Ventilating Co. (Rutland)

1889: RFC I 508, charter.

Smithtown Cheese Factory Assoc. (Rutland Co.)

1870: 224-226 (156), charter.

Spooner Muzzle Manufacturing Co. (Rutland)

1890: RFC II 16, charter.

Standard Marble Co. (West Rutland)

1883: RFC I 337, charter.

State Fire Insurance Co. (Rutland)

1868: 160-164 (116), charter.

State Mutual Fire Insurance Co. (Rutland)

1898: 348-354 (244), charter. STATE PAPERS OF VERMONT

1900: 327-329 (236), capital stock; share holders.

State School of Agriculture

1912: 74-75 (67), may be created and established in

Addison or Rutland County with

the approval of the governor and educational commision.

State Trust Co. (Rutland)

1880: 186-187 (189), name changed from RUTLAND COUNTY TRUST COMPANY.

1904: 489-490 (303), may reduce its capital stock.

Steam Stone Cutter Co.

1867: 237-238 (172), charter.

Steam Stone Cutter Co. (Rutland)

1893: RFC III 111, charter.

Sutherland Falls Hotel Co.

1857: 141-142

Sutherland Falls Marble Co.

1870: 290-291

Temperence

1886: 26-27

Temple Brothers (Rutland)

1896: RFC III 402, charter.

Thompson-Hoag Refridgeration and Power Co. (Rutland)

1896: 351-353 (228), charter.

True Blue Marble Co. (Rutland)

## References to Rutland in Acts Resolves of the State of Vermont

1884: RFC I 344, charter.

Trustees of the Soldiers' Home in Vermont

1884:00:00

Tuttle Co. (Rutland)

1880: 276

1884: RFC I 286, charter.

1886: 217

Two-Thirty Horse Remedy Co. (Rutland)

1891: RFC II 71, charter.

Union Hook and Ladder Company No. 1 (Rutland)

1866: 142-143 (120), charter.

Union Slate Company (Castleton)

1853

Union Slate Co. (Rutland)

1883: RFC I 329, charter.

United States Courthouse of Rutland Library

1882: 116

Valido Marble Co. (Rutland)

1883: RFC I 331, charter.

1887: RFC 1444-445, certificate of paid up capital.

Vermont Academy (Rutland)

1805: 41-43 (27), charter.

Vermont Accident Assoc. (Rutland)

1882: 120-122 (142), charter.

Vermont Agalite Pulverizing Co. (Rutland)

1891: RFC III 3, charter.

Vermont Home Telephone Co. (Rutland)

1906: 700-702 (409), charter.

Vermont Internal Improvement Co. (Rutland)

1902: 450-452 (277), charter.

187

1908: 466-468 (303), may consolidate into RUTLAND, LIGHT AND POWER COMPANY.

Vermont Marble and Slate Co. (Rutland)

1852: 176-177 (129), charter.

Vermont Mechanics Institute (Rutland)

1857: 127-128 (92), charter.

Vermont School Seat Co. (Rutland)

1889: RFC I 516, charter.

Vermont Slate and Alum Co. (Rutland Co.)

1870: 305-307 (192), charter.

Vermont State Fireman's Assoc. (Rutland)

1890: 232-234 (148), charter.

1870: 484-485 (234), time for opening books extended.

1872: 494 (244), time for opening books extended.

Vermont State Trust Co.

1869: 221-229

Vermont Talc Co. (Rutland)

1894: RFC III 205, charter.

Vermont Wrought-Nail Co. (Rutland Co.)

1846: 81-82 (13), charter.

Washington Engine Company No.2 (Rutland)

1861: 145 (112), charter.

Water Locomotive Construction Co. (Rutland)

1894: RFC III 239, charter.

Webster Stone Channelling Machine Co. (Rutland)

1881: RFC I 241, charter.

Western Vermont Slate Co. (Rutland)

1853: 97-98 (92), charter.

## References to Rutland in Acts Resolves of the State of Vermont

1868: 234 (151), may sell or issue bonds.

West Rutland Academy

1810: 98-100 (72), charter.

West Rutland Aqueduct Co.

1888: 216-219 (230), charter.

West Rutland Center School District

1890: 279

West Rutland Improvement Co.

1867: 146-147 (119), charter.

West Rutland Incorporation of

1886: 91-94

West Rutland Marble Co.

1882: RFC I 257, charter.

West Rutland Quadrennial Appraisals

1890: 286-287

West Rutland Steam Marble Co.

1856: 136-138 (113), charter.

1865: 157-158 (120), name changed to SHELDON AND SLASON MARBLE COMPANY.

West Rutland Trust Co.

1904: 495-499 (306), charter.

1906: 686 (399), capital stock.

West Rutland Water Works Co.

1902: 274-277 (209), charter.

Woodstock and Rutland Turnpike Co.

1805: 167-174 (95), charter.

Young Men's Catholic Union (Rutland)

1894: RFC III 476, charter.

Sutherland Falls Hotel Co.

1857: 141-142 (100), charter.

1865: 117-118 (95), charter.

Sutherland Falls Marble Co.

1867: 159-162 (129), charter.

1870: 290-291 (183), charter.

THE  
ACTS AND RESOLVES  
PASSED BY  
THE LEGISLATURE  
OF THE  
STATE OF VERMONT,  
AT THE OCTOBER SESSION,  
1849.



PUBLISHED BY AUTHORITY.

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MONTPELIER :  
E. P. WALTON & SON.  
1849.

Acts and Resolves 1849

## JOINT RESOLUTIONS.

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### No. 42.—RESOLUTIONS RELATING TO THE SUBJECT OF SLAVERY.

*Resolved, by the Senate and House of Representatives, That Slavery is a crime against humanity, and a sore evil in the body politic, that was excused by the framers of the Federal Constitution as a crime entailed upon the country by their predecessors, and tolerated solely as a thing of inexorable necessity.*

*Resolved, That the so called "compromises of the Constitution" restrained the Federal Government from interference with Slavery only in the States in which it then existed, and from interference with the Slave Trade only for a limited time, which has long since expired; and that the powers, conferred upon Congress by the Constitution, to suppress the Slave trade, to regulate commerce between the States, to govern the Territories, and to admit new States,—powers conferred with an express intention "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity,"—may all rightfully be used so as to prevent the extension of Slavery into territory now free, and to abolish Slavery and the Slave Trade wherever either exists under the jurisdiction of Congress.*

*Resolved, That our Senators and Representatives in Congress be requested to resist, by all and every constitutional means, the extension of Slavery in any manner, whether by the annexation to slaveholding Texas of territory now free, or by the admission to the Union of territory already acquired, or which may be hereafter acquired, without an express prohibition of slavery, either in the Constitution of each new State asking admission, or in the act of Congress providing for such admission.*

**Acts and Resolves 1849**

*Resolved, further, That our Senators and Representatives in Congress be requested to support every just and prudent meas-*



ure for the exclusion of Slavery from the District of Columbia; for the entire suppression of the slave trade on the high seas, and wherever else Congress has jurisdiction; and, generally, to relieve the Federal Government from all responsibility for the existence, maintenance, or tolerance of Slavery, or the traffic in slaves.

*Resolved, further,* That our Senators in Congress be instructed and our Representatives requested to use their exertions for the speedy organization of a Territorial Government for New Mexico and California, with a provision forever excluding involuntary servitude, except for crime, therefrom.

*Resolved,* That the Governor be requested to furnish a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, and to the Governor of each State in the Union.

Approved, November 12th, 1849.

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No. 43.—RESOLUTIONS RELATIVE TO SLAVERY IN THE DISTRICT OF COLUMBIA AND ON THE HIGH SEAS, AND ON THE APPLICATION OF THE ORDINANCE OF 1787.

*Resolved, by the Senate and House of Representatives,* That our Senators in Congress be instructed and our Representatives requested to introduce a resolution at its next session, directing the appropriate committee in each branch of our National Legislature to report a bill to prohibit the traffic in Slaves in the District of Columbia, and on the high seas;—also a bill to repeal all laws that legalize Slavery in the District of Columbia;—and that on said resolution they demand the yeas and nays.

*Resolved,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence by direct vote, whenever an opportunity shall occur, to procure the application of the Ordinance of 1787 to all newly acquired territory belonging to the United States.

*Resolved,* That His Excellency the Governor be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

No. 58.—AN ACT IN ADDITION TO AN ACT INCORPORATING  
THE RUTLAND AND BURLINGTON RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. The Rutland and Burlington Railroad Company are hereby authorized to extend their road, from its termination in the village of Burlington, to the village of St. Albans, in the county of Franklin, passing from Burlington, northwardly, near the head of Mallett's Bay, and crossing the Lamoille river, at or near Manley's Falls, otherwise called Gilbert's crossing, thence to the village of St. Albans, and to connect with the Vermont and Canada Railroad at said St. Albans village.

SEC. 2. If the Rutland and Burlington Railroad Company shall not construct said road within two years, they shall take nothing by this act.

SEC. 3. If the Rutland and Burlington Railroad Company shall construct said road, then, and in that case, the Vermont and Canada Railroad Company shall be released and forever



SEC. 4. The Rutland and Burlington Railroad Company, in the construction of said road, shall have all the rights and privileges, and be subject to all the liabilities contained in their original charter, and the acts in addition thereto.

SEC. 5. The Rutland and Burlington Railroad Company shall have the right to enter upon and use the Vermont and Canada Railroad, on the terms and conditions contained in the act of incorporation of the Vermont and Canada Railroad. And the Vermont and Canada Railroad Company shall have the same right to enter upon and use the Rutland and Burlington Railroad.

SEC. 6. If the Vermont and Canada Railroad Company shall not expend thirty thousand dollars upon that portion of their road, extending from the point, viz: the village of St. Albans, at which the extension of the road to be built by the Rutland and Burlington Railroad Company shall connect with the Vermont and Canada Railroad, to the west shore of Grand Isle county, within eighteen months from the passage of this act, and complete said portion of their road within three years from the passage of this act, then the said Rutland and Burlington Railroad Company shall be, and hereby are, authorized and empowered to construct and own that portion of the aforesaid road, from such point of connection to the western shore of Grand Isle county; and if the said Vermont and Canada Railroad Company shall not locate, construct and complete that portion of their road, extending from some convenient point, at or near the village of Swanton, to Canada line, in the town of Highgate, as soon as any railroad shall be constructed from any point on the Richelieu river, to the north line of Highgate, then, and in that case, the said Rutland and Burlington Railroad Company shall be, and hereby are, authorized and empowered to construct and own said road, from said point of divergence to Canada line.

Approved, November 9th, 1849.

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No. 60.—AN ACT IN ADDITION TO AN ACT INCORPORATING  
THE RUTLAND AND WASHINGTON RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. The said company have power to construct a branch of their Railroad from some point on their line in the town of Castleton or Poultney, to terminate at the west line of the State, either in the town of Poultney, Wells, Pawlet, Rupert, or Sandgate—and if, for the purpose of convenient construction, said branch shall cross said line into the State of New York, upon its return said company shall have power to resume the course of said road within this State, to terminate as aforesaid.

SEC. 2. Said company may enter upon, use and occupy any lands required for the branch depots or other buildings, with the same rights and powers, and subject to the same duties and responsibilities, as provided in said act of incorporation, and such general laws as are applicable to all railroads.

SEC. 3. The capital stock of said company may be increased to an amount sufficient to complete said branch and furnish all carriages and necessary apparatus for the convenient and profitable use of the same.

SEC. 4. If said company shall not within three years commence the construction of said branch, and shall not within five years complete and put in operation the same, then this act shall be void.

Approved, November 12th, 1849.

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345.4

THE  
ACTS AND RESOLVES  
PASSED BY THE  
LEGISLATURE  
OF THE  
STATE OF VERMONT,  
AT THE OCTOBER SESSION,  
1850.

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PUBLISHED BY AUTHORITY.

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Acts and Resolves 1850



No. 16.—AN ACT RELATING TO THE WRIT OF HABEAS CORPUS TO PERSONS CLAIMED AS FUGITIVE SLAVES, AND THE RIGHT OF TRIAL BY JURY.

## SECTION

1. Circuit Judges to have the same powers as Judges of Supreme Court on writs of Habeas Corpus.
2. State's Attorneys directed to defend fugitive slaves.
3. Issuing of writ regulated.
4. All judicial and executive officers to give notice to State's attorney of any expected arrest.

## SECTION

5. Appeal to County Court granted in certain case.
6. Trial by jury granted.
7. Circuit Judges to have the same powers as Judges of Supreme Court as to persons confined in close jail on executions of tort.
8. This act takes effect November 13, 1850.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. The same power is hereby given to, and the same duties imposed upon, the circuit judges of the several judicial circuits of this State, which are given to, and imposed upon, the judges of the Supreme Court, by the provisions of chapter thirty-eight of the Revised Statutes, entitled "Of Habeas Corpus."

SEC. 2. It shall be the duty of state's attorneys, within their respective counties, whenever any inhabitant of this State is arrested or claimed as a fugitive slave, on being informed thereof, diligently and faithfully to use all lawful means to protect, defend, and procure to be discharged, every such person so arrested or claimed as a fugitive slave.

SEC. 3. The application of any state's attorney in writing to any one of the judges of the Supreme Court, or to any cir-

cuit judge, signed by said state's attorney in his official capacity, stating in substance the name of the prisoner and the persons detaining him, if known, and that the person arrested, claimed or imprisoned, is arrested, claimed or imprisoned as a fugitive slave, shall be sufficient authority to authorize the issuing of the writ of habeas corpus as provided in said chapter thirty-eight of the Revised Statutes, and said writ may be signed by any one of said judges, or the clerk of the Supreme or County Court; and said writ shall be made returnable to the Supreme or County Court, when in session, in the county where such application is made; and in vacation said writ may be made returnable forthwith before either of the judges aforesaid.

SEC. 4. It shall be the duty of all judicial and executive officers in this State, in their respective counties, who shall know, or have good reason to believe, that any inhabitant of this State is about to be arrested or claimed as a fugitive slave, forthwith to give notice thereof to the state's attorney of the county in which such person resides.

SEC. 5. Whenever the writ of habeas corpus is granted in vacation, as provided in this act, or as provided by existing laws, if upon the hearing of the same before any one of the judges aforesaid, the person imprisoned, arrested or claimed as a fugitive slave, shall not be discharged, such person shall be entitled to an appeal to the next stated term of the County Court in the county where such hearing was had, on furnishing such bail, and within such time, as the judge granting the writ, on hearing the case, shall adjudge to be reasonable and proper.

SEC. 6. The court to which such appeal is taken, and any other court to which a writ of habeas corpus in behalf of any such person claimed or arrested as a fugitive slave is made returnable, may and shall, on application of either party to such proceeding, allow and direct a trial by jury, on all questions of fact in issue between the parties, in the matter aforesaid, and the taxable costs of such trial shall be chargeable to the State, whenever the same would be otherwise chargeable to the person arrested or claimed as a fugitive slave.

SEC. 7. The several circuit judges shall have the same powers now vested in the judges of the Supreme Court, by virtue of an act in amendment of chapter one hundred and three of the Revised Statutes, relating to persons confined in close jail, on executions of tort, approved November 13, A. D. 1848.

SEC. 8. This act shall take effect from its passage.

Approved November 13, 1850.

**No. 101.—AN ACT IN ADDITION TO THE ACT INCORPORATING  
THE RUTLAND AND BURLINGTON RAILROAD COMPANY.**

**SECTION**

1. Company may reduce the number of directors.
2. Company may issue preferred stock.

**SECTION**

3. This act and former act subject to provisions of all general railroad laws. This act to take effect Nov. 9, 1850.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

**SEC. 1.** The Rutland and Burlington Railroad Corporation may, at any annual meeting of the stockholders, reduce the board of directors to such number as they may think proper, not less than seven.

**SEC. 2.** Said corporation may issue stock not exceeding five thousand shares, guaranteeing a certain dividend, not exceeding eight per cent., for such term of time as they may deem expedient, and such contract or guaranty shall be binding upon the corporation.

SEC. 3. This act, and the act to which it is in addition, shall be subject to all the provisions of the general railroad laws that have been, or may hereafter be, enacted by the General Assembly; and this act shall take effect from its passage.

Approved November 9, 1850.

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No. 116.—AN ACT ENLARGING THE CAPITAL STOCK OF THE  
BANK OF RUTLAND.

## SECTION

1. \$50,000 added to the capital stock.  
Subscriptions for new stock regulated.
2. Preference given to those who are not now holders of stock.
3. Duties of commissioners.

## SECTION

4. Rights of new stockholders.
5. Mode of ascertaining value of old shares prescribed.
6. This act to take effect Nov. 7, 1850.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

Sec. 1. There shall be added to the capital stock of the President, Directors and Company of the Bank of Rutland, one thousand shares of fifty dollars each, making the whole capital stock of said bank one hundred and fifty thousand dollars ; and Silas H. Hodges and Charles L. Williams of Rutland, Alfred Hull



of Wallingford, Benjamin F. Adams of Castleton and Samuel D. Winslow of Pittsford, in the county of Rutland, are hereby appointed commissioners to receive subscriptions thereto, who, or a majority of them, shall open books for that purpose at said Rutland, within sixty days after the approval of this act, and continue them open from ten till four o'clock each day, Sundays excepted, for the space of ten days, and until the whole number of said shares shall have been subscribed, receiving of each subscriber, at the time of subscribing, ten dollars upon each share by him subscribed, and if, at the end of said ten days, the number of shares subscribed shall exceed one thousand, the excess shall be deducted from the subscriptions for more than twenty shares, and if, after reducing said subscriptions to the number of twenty shares each, an excess shall remain, the said commissioners shall reduce the highest subscriptions in such manner as to render the subscriptions as nearly equal as may be: *Provided*, that in case there shall be more than one thousand shares subscribed to said bank, said commissioners shall, in deducting the excess, give a preference to the inhabitants of this State, so that they may hold the whole of the stock hereby added to the said bank.

SEC. 2. No person who shall be a stockholder in said bank, at the time of opening said books, shall be allowed to subscribe for any of said additional stock, if the whole of said stock shall be subscribed for, within the ten days aforesaid, by persons other than stockholders in said bank; and if the whole of said stock shall not be subscribed for, within that time, then said stockholders may subscribe for the balance of said stock.

SEC. 3. The commissioners shall deliver to the directors of said bank, within ten days after the subscription books shall have been closed, and the shares apportioned by them, a list of the names of all the subscribers entitled to the additional stock, and the number of shares to which each shall be entitled, and the sum by each deposited with them, signed by a majority of the commissioners, which the directors shall cause to be entered in the books of the bank, and said commissioners shall also, within the time aforesaid, deposit with said directors all moneys received as deposits on said shares.

SEC. 4. The new subscribers, upon full payment by them of their several subscriptions, as finally adjusted by the commissioners, on or before the first Tuesday of January, A. D., 1851, shall, on that day, become stockholders in said bank, and thereafter be entitled to the rights and privileges, and under the

liabilities of stockholders, and shall be entitled to receive certificates of their stock.

SEC. 5. The usual dividend made by said bank on the first Tuesday of January, A. D. 1851, shall be made under the direction, and with the approbation of at least two of the following named persons, to wit: Joseph Warner of Middlebury, Merritt Clark of Poultney, and Daniel A. Heald of Ludlow, who shall examine the affairs of said bank, so that the dividend of the first Tuesday of January, A. D. 1851, shall not reduce the value of said capital stock below fifty dollars for each share. And the said Warner, Clark and Heald, or a majority of them, shall further ascertain and decide what sum of money shall be paid to the present stockholders and their assigns, by said bank, for expenses incurred previous to said decision, for the future benefit of said bank, which sum, thus ascertained, shall be paid to the present stockholders and their assigns by said bank, after the first Tuesday of January, A. D. 1851, and before any further dividends shall be made.

SEC. 6. This act shall take effect from its passage.

Approved November 7, 1850.

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## No. 121.—AN ACT TO INCORPORATE THE RUTLAND ACADEMY.

## SECTION

1. Location and name of corporation.
2. Members and powers of corporation.
3. Number of Trustees, and vacancies in board of how filled.

## SECTION

4. First meeting. Quorum regulated.
5. This act subject to action of future Legislatures.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. There is instituted and established at East Rutland village, in the county of Rutland, an academy, to be known and distinguished by the name of Rutland Academy.

SEC. 2. Luther Daniels, Solomon Foot, James B. Porter, Silas H. Hodges, George A. Tuttle, Daniel P. Bell, W. H. B. Owen, Ethan Judd, Henry O. Perkins, N. Hitchcock, E. Pierpoint, George W. Strong, Martin G. Everts, John B. Page, and Hiram S. Cheney, and their associates and successors in office,



shall be trustees of the same ; and they, and their successors in office, are constituted a body politic and corporate, to be known and distinguished by the name of *The Trustees of Rutland Academy*, and by that name shall have succession, may sue and be sued, plead and be impleaded, contract and be contracted with, have a common seal and the same alter at pleasure, make and establish such by-laws, rules and regulations, as shall from time to time appear necessary to said corporation, not repugnant to the constitution or laws of this State or the United States ; and may take and hold by grant, gift, purchase, devise or otherwise, real and personal estate to an amount not exceeding fifteen thousand dollars, and the same use, improve, manage and appropriate for the benefit of said academy.

SEC. 3. Said corporation shall have the power to increase the number of trustees to twenty-five, and shall fill all vacancies that may occur in said board, by death, resignation, removal from the town or otherwise.

SEC. 4. The first meeting of said corporation shall be holden at the court house in said Rutland, on the first Wednesday of January next, at six o'clock afternoon ; and any six of said trustees, when met at said meeting, and all subsequent meetings duly notified, shall constitute a quorum to transact any business of said corporation.

SEC. 5. This act is subject to alteration, amendment, or repeal, by any future legislature.

Approved November 13, 1850.

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passed November 12, 1850.

No. 126.—AN ACT TO INCORPORATE THE RUTLAND HOTEL COMPANY.

SECTION

1. Members and powers of corporation.
2. Capital stock.
3. First meeting.
4. This act to be under control of future Legislature.
5. This act to take effect November 13, 1850.

SECTION

6. Private property of stockholders liable for debts to an amount equal to their stock. No debts to be contracted till \$15,000 of capital paid in.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. William M. Field, Otis Bardwell, Edmund F. Cook, Eenezer N. Briggs, Barzillai Davenport, George W. Strong, Martin G. Everts, and their associates and successors, are hereby constituted a body politic and corporate, by the name of the Rutland Hotel company, for the purpose of erecting a hotel and house of public entertainment, in Rutland, in the county of Rutland, and by that name may sue and be sued, and have a common seal, and may purchase and hold real and personal estate to an amount not exceeding forty thousand dollars, and sell and dispose of the same.

SEC. 2. The capital stock of said corporation may be divided into as many shares, and be sold and transferred, and assessments made thereon, in such manner as said corporation from time to time may deem expedient; and said corporation may make such by-laws and regulations for the government of the same as may be deemed necessary, not inconsistent with the constitution and laws of this State.

SEC. 3. William M. Field, or any two of said corporators, are authorized to call the first meeting of said corporation, by notifying each of said corporators of the time and place of meeting, in writing, at least three days prior to said meeting, or by publishing a notice of the time and place of such meeting in one weekly newspaper, printed in Rutland, at least ten days prior to said meeting.

SEC. 4. This act shall be under the control of the legislature, to alter, amend, or repeal, as the public good may require, and shall be subject to the provisions of chapter seventy-nine of the Revised Statutes, entitled "Of Private Corporations."

SEC. 5. This act shall take effect from its passage.

SEC. 6. The private property of each stockholder in said corporation shall be liable for the debts of said corporation, to an amount equal to the amount of stock he shall own in such company, and said corporation shall not contract any debts until at least fifteen thousand dollars of their stock is actually paid in, and in no case shall any of the capital stock be diverted from the business of the company.

Approved November 13, 1850.



No. 128.—AN ACT TO INCORPORATE THE RUTLAND SAVINGS BANK.

## SECTION

1. Members and powers of corporation.
2. Corporation may receive moneys on deposit.
3. Profits how divided. Deposits may be withdrawn.
4. Additional members, not exceeding thirty, may be elected.
5. Officers, and their mode of election, and terms of office.
6. Officers to be sworn. Treasurer to give bond.
7. Power of holding real estate prescribed.
8. By-laws.

## SECTION

9. Not to issue any paper to circulate as currency. No compensation or loan to be made to any member or officer, except that treasurer may be reasonably compensated.
10. Annual report to be made to General Assembly.
11. Quorum determined.
12. First meeting.
13. Bank Commissioner empowered to inspect concerns.
14. Corporation to be located at Rutland.
15. This act subject to provisions of Chapter 79 of Revised Statutes, and to control of Legislature.
16. Act to take effect Nov. 7, 1850.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. George T. Hodges, Francis Slason, James Porter, Luther Daniels, Robert Pierpoint, James Barrett, Silas H. Hodges, Daniel P. Bell, Charles L. Williams, Martin G. Everts and John B. Page, and such others as shall be duly elected members of the corporation hereby constituted, at the annual meetings thereof, according to such by-laws as may hereafter be established, are hereby constituted a body politic and corporate, by the name of the Rutland Savings Bank, for the purpose of enabling industrious persons of all classes to invest such part of their earnings as they can conveniently spare, in a safe and profitable manner; and by that name may sue and be sued, may have a common seal and the same alter at pleasure; and

all deeds, conveyances, grants, covenants and agreements, made by their treasurer, or any other person, by their authority, shall be good and valid in law.

SEC. 2. Said corporation may receive, on deposit, for the use and benefit of the persons by or for whom deposits may be made, all sums of money offered for that purpose, and manage and improve the same, for the purposes and according to the directions herein mentioned and provided.

SEC. 3. All deposits of money received by said corporation shall be managed and improved to the best advantage; and the income or profit thereof shall be divided by said corporation, among the several persons by or for whom, the said deposits shall have been made, or their legal representatives, in just proportion, according to their deposits, with such reasonable deductions as may be necessary to defray the unavoidable expenses of said institution; and all such deposits may be withdrawn by the persons entitled thereto, at such reasonable times, and in such manner, as said corporation, by its by-laws, may direct.

SEC. 4. Said corporation may at their first meeting under this act, and at any subsequent annual meeting thereafter, elect by ballot, any other person or persons, not exceeding thirty, including those who are at that time members, to be members of said corporation.

SEC. 5. The officers of said corporation shall consist of a president, a vice-president, a treasurer, and such number of trustees, not less than seven nor more than fifteen, as said corporation shall determine, together with such other officers as may be found necessary for the ordinary management of its affairs; which officers, except the treasurer, shall be chosen by ballot, at an annual meeting of said corporation, to be held at such time as the by-laws thereof may direct; and they shall hold their offices for one year and until others are chosen, and have accepted, in their stead; and the treasurer shall be appointed by the trustees, and shall hold his office during their pleasure.

SEC. 6. The officers of said corporation shall be duly sworn to the faithful discharge of their respective duties; and the treasurer shall give a bond, to the satisfaction of the trustees, for the faithful discharge of the duties of his office.

SEC. 7. Said corporation may receive and hold such buildings and real estate as may be necessary and convenient for managing their affairs, not exceeding two thousand dollars in value at the time of purchase; and may take, hold and dispose



any real estate whatever, which may, in good faith, be engaged or pledged for the security of its loans, or debts due to, or which may, in good faith, be conveyed to, or taken by said corporation, in satisfaction or discharge of debts, demands, liabilities, which may have been previously contracted or incurred.

SEC. 8. Said corporation may make all such by-laws as are necessary and proper for the management of their affairs, not inconsistent with the constitution and laws of this State.

SEC. 9. Said corporation shall not make or issue any bill or promissory note to circulate as currency; and the president and members of said corporation shall receive no compensation for their services, nor derive any emolument therefrom; nor shall any of the funds of said institution be loaned to any trustee, or any officer thereof: *Provided*, that such reasonable allowance may, from time to time, be made to the treasurer, for his services, as the trustees shall direct.

SEC. 10. The treasurer of said corporation shall make an annual report to the General Assembly, containing the number of depositors, the amount deposited, and the dividends declared thereon; which report shall be certified and sworn to by him, and five or more of the trustees of said corporation shall also certify and make oath that the said return is correct, according to their best knowledge and belief.

SEC. 11. At any meeting of said corporation duly notified, seven members thereof shall constitute a quorum for the transaction of business.

SEC. 12. John B. Page is hereby authorized to call the first meeting of said corporation, by giving written notice of the time and place of such meeting to each of the corporators herein mentioned six days previous thereto.

SEC. 13. The books of said corporation shall at all times be open to the inspection of the bank commissioner, who shall, on application, in writing, of at least ten depositors of said corporation, make an examination of the management of said corporation; and if, in the opinion of said commissioner, the affairs of said corporation shall have been improperly managed, he shall report the same to the next session of the legislature; and said corporation shall pay said commissioner for his services.

SEC. 14. Said corporation shall be located at Rutland in the county of Rutland.

SEC. 15. This act shall be subject to the provisions of chapter seventy-nine of the Revised Statutes, entitled "Of Private

Corporations," and shall be subject to the control of any future legislature to alter, amend or repeal, as the public good may require.

SEC. 16. This act shall take effect from its passage.

Approved November 7, 1850.

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No. 129.—AN ACT RELATING TO THE RUTLAND AQUEDUCT COMPANY.

SECTION

1. Company empowered to convey water by aqueduct through such lands as may be necessary to pass through.

SECTION

2. Damages to land owners, how appraised and paid.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. The Rutland Aqueduct Company, incorporated by virtue of an act entitled "An act to incorporate the proprietors and owners of an aqueduct, in the east parish of Rutland into a company for the purposes therein mentioned," approved November 4th, 1800, is hereby empowered to take the waters of such spring, springs, or streams of water, as they own or may purchase, and may convey the same by an aqueduct or aqueducts, for the supply of the inhabitants of the village of East Rutland and the vicinity ; and for that purpose may dig up and open the soil, where they shall find it necessary, and have free access for the purposes of laying down such aqueduct or aqueducts, and inspecting and repairing the same ; *Provided*, the said corporation shall, in all cases, restore the soil, as well as any fences, drains, or other structures, which they find it necessary to disturb, to as good condition as they were in before, and as speedily as possible.

SEC. 2. In case the said corporation cannot agree with the owner or owners of any land through which the waters of said spring or stream are accustomed to flow, or in which they shall lay their aqueduct or aqueducts, upon the damages so occasioned to them, such owner or owners may apply to the judges of the county court for the county of Rutland, by petition, who shall forthwith appoint three disinterested persons to ap-

praise said damages, on oath, and report the same to said county court; and their report, if accepted by such court, shall be final and conclusive, and said county court shall allow costs, at their discretion, against either party.

Approved November 6, 1850.

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THE  
ACTS AND RESOLVES  
PASSED BY  
The General Assembly  
OF THE  
STATE OF VERMONT  
AT THE  
OCTOBER SESSION,  
1851.

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PUBLISHED BY AUTHORITY.

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MONTPELIER:  
C. P. Walton & Son, Printers.  
1851.

Acts and Resolves 1851

## RESOLUTIONS.

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### No. 78.—RESOLUTION IN RELATION TO THE SUPPRESSION OF THE SLAVE TRADE.

WHEREAS, it appears from an exposition of the African slave trade, (published by the society of Friends, and by them distributed in this House,) that the nefarious traffic in slaves is still extensively carried on under the American flag :

*Resolved, by the Senate and House of Representatives,*  
That our senators and representatives in Congress be requested to use all proper exertions to procure the effectual suppression of the slave trade, under the guise of our national colors, wherever it is now carried on.

IN HOUSE OF REPRESENTATIVES, }  
Nov. 19, 1851. }

Read and adopted.

PLINY H. WHITE, *Ass't Clerk.*

IN SENATE, Nov. 19, 1851.

Read and adopted in concurrence.

SAM'L M. CONANT, *Secretary.*

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No. 80.—RESOLUTION FOR FURNISHING CERTAIN PUBLIC DOCUMENTS OF THIS STATE TO THE REPUBLIC OF LIBERIA.

*Resolved, by the Senate and House of Representatives,* That the librarian be authorized, under the advice and direction of the governor, to deliver to the secretary of the Vermont Colonization Society, for the use of a public library in the Republic of Liberia, one copy of all such documents and records pertaining to this State, and all such reports of the decisions of the supreme court of this State, as can, in the opinion of the governor, be spared from the library without detriment to the interest of the State.

IN SENATE, Nov. 6, 1851.

Read and adopted.

W. M. DICKERMAN, *Ass't Secretary.*

IN HOUSE OF REPRESENTATIVES, Nov. 8, 1851.

Read and adopted in concurrence.

PLINY H. WHITE, *Ass't Clerk.*

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be construed to apply to freight or passengers coming on to either road at the point of junction, from any connecting road.

SEC. 5. This act, and the act to which this is in addition, shall be subject to all general railroad laws which now are or may be hereafter in force.

SEC. 6. This act shall take effect from its passage.

SEC. 7. This act, and the act to which this is in addition, shall be under the control of the legislature of this State, and may be altered, amended or repealed, as the public good may require.

Approved November 14, 1851.

No. 89.—AN ACT AUTHORIZING THE RUTLAND AND WHITEHALL RAILROAD COMPANY TO BUILD A BRANCH RAILROAD.

SECTION

1. Company empowered to build a branch railroad to slate quarries near Lake Bombazine.
2. Company to have the powers and

SECTION

be subject to the liabilities, prescribed in former act. To have term of 5 years to build such branch road.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. The Rutland and Whitehall Railroad Company are authorized and empowered to survey, locate, build and use, a branch railroad, from their railroad at Hydeville, northerly to the outlet of Lake Bombazine in Castleton, and on or near the banks of said lake to the slate quarries near said lake.

SEC. 2. The Rutland and Whitehall Railroad Company, for the purpose of surveying, locating and building such branch railroad, shall have the powers, privileges and rights which are given and granted to said company by the act incorporating said company, approved November 13, A. D. 1848, and be subject to the same liabilities, and shall have the term of five years from the passage of this act, to locate and build such branch railroad.

Approved November 7, 1851.

Sec. 21. This act shall take effect from its passage.  
Approved November 19, 1851.

No. 102.—AN ACT TO AMEND THE CHARTER OF THE VERMONT MUTUAL FIRE INSURANCE COMPANY.

## SECTION

1. Persons insuring in said company may, at their election, pay in a certain sum of money, instead of giving premium notes, and shall not be liable for any further sum.

## SECTION

2. Moneys so paid to be retained as a fund for payment of losses, &c. Payments from said fund regulated.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. It may and shall be lawful for any person or persons, applying for insurance in the Vermont Mutual Fire Insurance Company, at his, her or their election, to pay to said company a certain definite sum of money in full for such insurance, which said sum shall be in lieu and place of a premium note ; and such person or persons shall not be liable to said company, during the continuance of his, her or their policy, for any sum beyond the amount thus originally paid.

SEC. 2. Such sum or sums of money, as shall be paid to said company as aforesaid, shall be retained as a fund for the payment of losses and expenses which may happen or accrue in and to said company, which said fund shall be exhausted before a resort shall be had to assessments upon premium notes deposited with said company, and this said fund, and the premium notes deposited with said company, shall constitute the capital of the company for the payment of losses and expenses.

Approved November 5, 1851.

No. 103.—AN ACT TO AMEND THE CHARTER OF THE RUTLAND AND ADDISON MUTUAL FIRE INSURANCE COMPANY.

## SECTION

1. Persons effecting insurance may pay in a certain sum of money, in lieu of premium notes.

## SECTION

2. Moneys so paid in to constitute a fund for payment of losses.

Acts and Resolves 1851  
This act shall take effect November 15, 1851.



*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. The Rutland and Addison Mutual Fire Insurance Company are hereby empowered to effect insurances against loss by fire upon real and personal property, for such period of time, not exceeding six years, as may be desired by the applicant for such insurance, and to receive such sum of money at the time of effecting such insurance, as shall be fixed by the directors of said company, in full of premium upon such insurance, and in lieu of a premium or deposite note.

SEC. 2. The premiums received in accordance with the provisions of this act shall constitute a fund for the payment of losses by fire, suffered by said company.

SEC. 3. This act shall take effect from its passage.

Approved November 15, 1851.

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No. 112.—AN ACT TO INCORPORATE THE BRANDON IRON  
AND CAR WHEEL COMPANY.

## SECTION

1. Members and powers of corporation.
2. First meeting. Enactment of by-laws.
3. Capital stock. Amount of indebtedness limited.

## SECTION

4. This act subject to general laws, and future legislation.
5. This act to take effect November 18, 1851.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. John Howe Jr., John Blake and Franklin Darracott, their associates and successors, are hereby constituted a body



corporate with a capital stock of sixty thousand dollars, by the name of the Brandon Iron and Car wheel Company, for the purpose of carrying on the business of manufacturing in any of its various branches in the town of Brandon; by that name may sue and be sued; they may have a common seal; may purchase and hold real estate, to an amount not exceeding sixty thousand dollars; and in general may have and enjoy all the privileges incident to corporations.

SEC. 2. The first meeting of said company shall be held at such time and place in the town of Brandon as shall be agreed upon by the persons herein before named, and at said meeting, and at all other meetings legally held within this State, said corporation may make, alter and repeal such by-laws and regulations for the management of its business, as a majority shall direct, not repugnant to the laws of this State, or the United States.

SEC. 3. The corporation may so divide their stock and provide for the sale and transfer of the shares thereof as a majority shall direct; and the sum of twelve thousand dollars shall be paid in before said company shall contract any debts; no part of which shall afterwards be withdrawn, or in any manner diverted from the business of the company, and the indebtedness of the company shall at no time exceed two thirds of the capital actually paid in; and if the indebtedness of said corporation shall at any time exceed the amount aforesaid, the members of said company shall be personally holden for such excess to the creditors of said corporation.

SEC. 4. This act shall be subject to the provisions of chapter eighty-three of the Compiled Statutes, as well as to any general law regulating manufacturing companies, which may hereafter be passed, and also to such control of the legislature, at all times, as the public good may require.

SEC. 5. This act shall take effect from its passage.

Approved November 18, 1851.

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No. 127.—AN ACT RELATING TO THE RUTLAND AQUEDUCT COMPANY, IN ADDITION TO THE ACT INCORPORATING SAID COMPANY, APPROVED NOVEMBER 4, 1800, AND TO THE ACT RELATING TO SAID COMPANY, APPROVED NOVEMBER 6, 1850.

## SECTION

1. Company may divide capital stock into shares, and may direct the transfer of shares.
2. Company authorized to mortgage their property for certain purposes.

## SECTION

3. This act to take effect November 19, 1851.
4. This act not to affect the rights of the owner of any free post in said aqueduct.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. The proprietors and owners of the aqueduct mentioned in "an act to incorporate the proprietors and owners of an aqueduct in the east parish of Rutland into a company for the purposes therein mentioned," approved November 4, 1800, shall have power to divide the capital stock of said company into shares of twenty-five dollars each, or such other sum as said proprietors and owners shall, by vote, agree; and may sell and dispose of said shares, in such manner as said company by their by-laws shall direct; and any person who shall become the owner of any such share shall be deemed a member of said company.

SEC. 2. The said company shall have power to mortgage the property of said company, either real or personal, for such sum or sums of money as may be necessary for the purpose of relaying the whole or any portion of their said aqueduct with iron pipe, and such other purposes as shall be deemed advisable for the beneficial use and enjoyment of the same, which mortgage shall be executed in such manner as said company shall, by a by-law for that purpose, direct; and any such mortgage shall be recorded at length in the town clerk's office in Rutland, and shall be binding on said company: *Provided*, that this act shall not take effect until said company shall, at a meeting warned for that purpose, vote to accept of the provisions of this act.

SEC. 3. This act shall take effect from its passage.

SEC. 4. This act shall in no wise affect the rights of any individual who is now, or may hereafter be, the owner of any free post, in said aqueduct.

Approved November 19, 1851.

THE  
ACTS AND RESOLVES  
PASSED BY  
THE GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT,  
AT THE  
OCTOBER SESSION,  
**1853.**

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PUBLISHED BY AUTHORITY.

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MONTPELIER :  
E. P. WALTON JR., PRINTER.  
1853.

**Acts and Resolves 1853**



No. 61.—AN ACT LAYING A TAX ON THE COUNTY OF RUTLAND, TO BUILD A JAIL.

## SECTION

1. Tax of four cents assessed on list of 1853.
2. Committee appointed to build, &c. a jail.
3. County judges authorized to sell jail and lot, and apply the proceeds to the erection of a new one.
4. County treasurer to issue his warrant to constables for collection of tax.

## SECTION

5. Selectmen to make out tax bills. Constables shall collect said tax by June 15th, 1854.
6. Committee may draw orders for expenses, &c. on the county treasurer.
7. Town of Rutland to provide a site for said jail. Committee to be satisfied of the sufficiency of the funds raised before proceeding.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. There is assessed a tax of four cents on the dollar on the list of polls and rateable estate of the inhabitants of the county of Rutland, for the year eighteen hundred and fifty-three, to be applied in erecting and building a jail, in Rutland, in the county of Rutland.

SEC. 2. Samuel H. Kellogg of Pittsford, Moses Jackman of Castleton, and Jacob Edgerton of Rutland, in said county, are hereby constituted a committee to erect and build a jail in said Rutland, with power and authority to fix and establish a place and site for such jail, to purchase the necessary materials, and cause such jail to be built and completed and furnished, for the use of said county.

SEC. 3. The assistant judges of the county court and sheriff of said county, are hereby authorized and empowered to sell and convey by deed, the jail and jail lot, in said Rutland, now belonging to said county, and cause the proceeds of such sale

to be applied towards the expenses incurred in executing the provisions of the second section of this act ; and, if they think best, may cause and require the present jail in said county to be taken down, and the new one provided for in said section, to be erected and built upon the jail lot in said Rutland now owned by said county.

SEC. 4. The treasurer of said county is directed, on or before the first day of May, in the year 1854, to issue his warrant to the first constable of the several towns in said county, for the collection of said tax, who are required to proceed in all things, in the collection of said tax, in the same manner as that by law state taxes are required to be collected, except where in this act is otherwise ordered.

SEC. 5. The selectmen of the several towns in said county shall make out and deliver to the first constable of their respective towns, on or before the first day of May, in the year 1854, a tax bill for the collection of said tax, in the same manner as is required by law in cases of state taxes ; and the first constables of the several towns in said county shall collect and pay into the county treasury of said county, the amount of said tax by the 15th day of June, 1854.

SEC. 6. The said committee may draw orders on the county treasurer for said county, for the expense of building and furnishing said new jail, and for the services of said committee in the premises ; and the said treasurer is directed to accept and pay the orders of said committee from any moneys in the treasury of said county.

SEC. 7. In addition to the tax provided for in section one, the inhabitants of the town of Rutland shall provide a suitable site for said jail, free of expense to the county ; and shall raise by subscription enough for the completion and furnishing of said jail ; and said committee shall be satisfied, before they notify the treasurer to issue his warrant to collect the tax, that the sum to be raised by subscription, together with the tax and the proceeds of the present jail and lot, will be sufficient to complete and furnish the jail to be built there, so that no further tax shall be necessary for that purpose.

SEC. 8. This act shall take effect from its passage.

Approved, December 6, 1853.



No. 91.—AN ACT TO INCORPORATE THE UNION SLATE COMPANY.

## SECTION

1. Members, purpose, and privileges of corporation.
2. First meeting. By laws. Capital stock.
3. This act subject to chapter 83.

## SECTION

- of the C. ., and to future legislation.
4. Provisions concerning the contracting of debts.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. Hiram Ainsworth, Sidney D. Root, and John E. Ainsworth, their associates and successors are hereby constituted a corporation for the purpose of quarrying and manufacturing slate, in the name of the Union Slate Company ; and by that name may sue and be sued ; may have a common seal, and the same alter at pleasure ; may purchase, hold and convey real and personal estate to an amount not exceeding two hundred thousand dollars ; and shall have and enjoy all the rights and privileges incident to corporations.

SEC. 2. The first meeting of said corporation shall be holden at Castleton village at such time and place as the said Hiram Ainsworth shall designate, giving notice to the other persons named ; and at said meeting, and at all other meetings of said corporation, duly holden in this State, said corporation may make and alter such by-laws and regulations for conducting its affairs as a majority may direct, not repugnant to the constitution and laws of this State, or of the United States ; and may divide their stock into shares, and provide for the sale and transfer of the same as may be deemed best ; and the sum of twenty-five thousand dollars shall be paid in before said company shall contract any debts, no part of which shall afterwards be withdrawn, or in any manner diverted from the proper business of the company.

SEC. 3. This act shall be subject to the provisions of chapter eighty-three of the compiled statutes, entitled " of private

corporations ;" and shall also be under the control of the legislature to alter, amend, or repeal, as the public good may require ; and notice of such amendment, alteration or repeal may be given to said corporation in writing, by any citizen of this State, provided it be so given forty days previous to the session of the legislature to which such application shall be made ; and shall also be subject to any general law in relation to manufacturing companies that may be passed at this or any future session of the legislature.

SEC. 4. Said corporation shall not contract debts at any time to an amount exceeding three-fourths of the capital stock actually paid in ; and if the indebtedness of said corporation shall at any time exceed the amount aforesaid, the directors of said corporation assenting thereto, shall be personally holden for such excess to the creditors of said company.

Approved, December 6, 1853.

#### No. 92.—AN ACT TO INCORPORATE THE WESTERN VERMONT SLATE COMPANY.

##### SECTION

1. Members, purposes and powers of corporation.
2. First meeting. By-laws.
3. Capital stock. Provisions con-

##### SECTION

- cerning the contracting of debts.
4. This act to be subject to future legislation, and to chapter 83 of the C. S.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. James C. Clement, Rockwood Barrett, and William H. Liscomb, their associates and successors, are hereby constituted a corporation, by the name of the Western Vermont Slate Company, for the purpose of quarrying and manufacturing, within this State, and selling, slate and marble ; and by that name may sue and be sued, may have a common seal, may purchase, hold and convey real and personal estate, and enjoy all the privileges incident to corporations.

SEC. 2. The first meeting of said corporation shall be holden at Rutland, at such time and place as may be agreed upon by the persons named in this act, or a majority of them ; and at such meeting, and all legal meetings, they may make and amend such rules and regulations, for the management of

the business of the corporation, as a majority of the stockholders may direct, not repugnant to the constitution and laws of this State, or of the United States.

SEC. 3. The corporation may divide their stock into as many shares, and provide for the transfer thereof, as they may, from time to time, deem expedient; and may increase the same, from time to time, as a majority of the stockholders shall decide, to an amount not exceeding two hundred thousand dollars: *Provided*, that the sum of twenty thousand dollars shall be paid in before said corporation shall contract debts, no part of which shall afterwards be withdrawn, or in any manner diverted from the proper business of the company; and no debts shall be contracted by said corporation exceeding in amount two-thirds of the capital stock of said corporation actually paid in; and any director, assenting to the creation of such indebtedness, shall be held personally liable for the amount of such excess.

SEC. 4. This act shall be subject to the action of future legislation, to alter, amend or repeal, as the public good may require; and also subject to the provisions of chapter eighty-three of the compiled statutes, relating to private corporations.

SEC. 5. This act shall take effect from its passage.

Approved, November 21, 1853.

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No. 96.—AN ACT TO INCORPORATE THE EAGLE RAILROAD  
AND SLATE COMPANY.

## SECTION

1. Members and powers of corporation.
2. Further powers.
3. First meeting.
4. Officers. By-laws.
5. Capital stock. Amount of indebtedness regulated.

## SECTION

6. Further powers of corporation.
7. This act shall be subject to chapter 83 of the C. S.
8. This act to be subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. Middleton Goldsmith, Alban Goldsmith, Frank Hollens, and John T. Irving, and their associates and successors, are constituted a corporation by the name of the Eagle Railroad and Slate Company ; and by that name may sue and be sued, have a common seal, and may have and enjoy all the privileges incident to corporations, for the purpose of quarrying slate and preparing it for market, in the county of Rutland, with such other business as is usually connected therewith ; and may purchase, hold and convey such real and personal estate as the business and transactions of said company may require.

SEC. 2. The said company may construct and build a railroad from their quarries in the north part of the town of Poultney, in said county of Rutland, northerly to some point on the line of the Rutland and Whitehall railroad, in or near the village of Hydeville, in the town of Castleton, in said county of Rutland ; or southerly, to some convenient point in the line of the Rutland and Washington Railroad, in said town of Poultney, but shall not construct or build a railroad on both of said described routes, and may transport persons and property upon the same by the power of steam or otherwise, as said company

may direct ; and shall have all the powers, and be subject to all the conditions, liabilities and restrictions, provided for by the general statutes of this State.

SEC. 3. Any number of said corporators shall have power to call the first meeting of said corporation, to be held in the town of Castleton, by giving each of the corporators notice, in writing, at least six days before such meeting, of the time and place of holding the same.

SEC. 4. Said corporation may, at their first meeting, and at all other meetings legally notified, elect five or seven directors, and such other officers, and make such by-laws, rules and regulations as may be deemed necessary for the government of said corporation, and for conducting the affairs thereof, not repugnant to the constitution and laws of this State or of the United States.

SEC. 5. Said corporation may divide their capital stock into as many shares, and make such provision for the sale and transfer thereof, as they may deem expedient ; and may also, from time to time, increase the same to an amount not exceeding one million of dollars, provided a majority of the stockholders shall so direct ; and the indebtedness of said corporation shall never exceed three-fourths of the amount of capital actually paid in ; and the directors of said company shall have the power to fix the amount of any installments to be paid in by the subscribers to said capital stock, and the times of such payments ; and if the indebtedness of said corporation shall, at any time, exceed the amount aforesaid, the directors of said company assenting thereto, shall be personally holden for such excess to the creditors of said company.

SEC. 6. The said corporation shall have power to contract with any other corporation, to transport persons and property over the said railroad of the said eagle railroad and slate company ; and may sell or lease their said road to any other corporation, upon such terms as they may deem proper ; and may issue and dispose of bonds of the said corporation, secured by a mortgage of the real estate, or railroad, and railroad furniture of said corporation, at an interest of seven per cent. for each year the same shall remain outstanding, which mortgage, when recorded in the office of the county clerk for the county of Rutland, shall be good and sufficient to hold the property mortgaged, without any further act.

SEC. 7. Said corporation shall be subject to all the provisions of chapter eighty-three of the compiled statutes, relating to private corporations, which are not inconsistent with the express provisions of this act.



SEC. 8. This act may be altered, amended or repealed, by the legislature, whenever the public good may require.

SEC. 9. This act shall take effect from its passage.

Approved, December 6, 1853.

**No. 97.—AN ACT TO INCORPORATE THE VERMONT ITALIAN MARBLE COMPANY.**

SECTION	SECTION
1. Members, name and powers of corporation.	83 of the C. S. and to future legislation.
2. First meeting. By-laws. Provisions concerning contracting debts.	4. Further provisions concerning indebtedness.
3. This act to be subject to chapter	5. This act to be subject to any general law passed hereafter.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows:*

SEC. 1. Ferrand Parker, George B. Holly, Lucius T. Raser, F. Field, and Charles Field, their associates and successors, are hereby constituted a corporation for the purpose of quarrying in this State and manufacturing marble, in the name of the Vermont Italian Marble Company; and by that name may sue and be sued; may have a common seal and the same alter at pleasure, may purchase, hold and convey real and personal estate to the amount of three hundred thousand dollars; and have and enjoy all the rights and privileges incidental to corporations.

SEC. 2. The first meeting of said corporation shall be holden at East Dorset, at such time and place, as the said Ferrand Parker shall designate, giving notice to the other persons named; and at said meeting, and at all other meetings of said corporations duly holden in this State, said corporation may make and alter such by-laws, and regulations for conducting its affairs as a majority may direct, not repugnant to the constitution and laws of this State or of the United States; and may divide their stock into shares, and provide for the sale and transfer of the same as may be deemed best; and the sum of sixty thousand dollars shall be paid in before said corporation shall contract any debts, no part of which shall afterwards be withdrawn or in any manner diverted from the proper business of the company.

SEC. 3. This act shall be subject to the provisions of chap-

ter eighty-three of the compiled statutes, entitled "of private corporations," and shall also be under the control of the legislature, to alter, amend or repeal, as the public good may require; and notice of such amendment, alteration or repeal may be given to said corporation in writing, by any citizen of this State, provided it be so given forty days previous to the session of the legislature to which said application shall be made; and shall also be subject to any general law in relation to manufacturing companies that may be passed at this or any future session of the legislature.

SEC. 4. Said corporation shall not contract debts at any time to an amount exceeding three-fourths of the capital stock actually paid in; and if the indebtedness of said corporation shall at any time exceed the amount aforesaid, the directors of said company assenting thereto shall be personally holden for such excess to the creditors of said company.

SEC. 5. This act shall be subject to any general law that may be passed at this or any future session of the legislature, in this State, in reference to private corporations.

Approved, November 21, 1853.

NO. 98.—AN ACT TO INCORPORATE THE AMERICAN VERD  
ANTIQUE MARBLE COMPANY.

SECTION

1. Members, name, purposes and privileges of corporation.

2. First meeting.

3. Election of directors.

SECTION

4. Capital stock. Provisions concerning indebtedness.

5. Corporation to be subject to the provisions of chapter 83 of C. S.

6. To be subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. William S. Sampson, Nathaniel F. Emerson, Daniel McCaine, Joseph H. Whitman, Geo. F. Brown, David McCaine, and George W. Pinkerton, their associates and successors, are hereby constituted a corporation, by the name of the American Verd Antique Marble Company; and by that name may sue and be sued, may have a common seal, and may have and enjoy all the privileges incident to corporations, for the purpose of quarrying and working marble, iron, copper and other metals, minerals or stone, and preparing the same for

market, in the county of Washington; and may purchase, hold and convey such real and personal estate as the business and transactions of said company may require.

SEC. 2. The three first named corporators shall have power to call the first meeting of said corporation by giving each of the corporators notice, in writing, at least five days before such meeting, of the time and place of holding the same.

SEC. 3. Said corporation may at their first meeting, and at all other meetings legally notified, elect seven directors, and such other officers as may be required for the business of the corporation; and may make such by-laws, rules, and regulations as may be deemed necessary for the government of said corporation and for conducting the affairs thereof, not repugnant to the constitution and laws of this State and of the United States.

SEC. 4. Said corporation may divide their capital stock into as many shares, and provide for the sale and transfer thereof, in such manner as they may deem expedient; but the amount of said capital stock shall never exceed four hundred thousand dollars, nor shall the indebtedness of said corporation ever exceed three-quarters of the amount of capital actually paid in; and if the indebtedness of said corporation shall at any time exceed the amount aforesaid, the directors of said company assenting thereto, shall be personally holden for such excess to the creditors of said company.

SEC. 5. The said corporation shall be subject to all the provisions of chapter eighty-three of the compiled statutes relating to private corporations, which are not inconsistent with the express provisions of this act.

SEC. 6. This act may be altered, amended, or repealed by the legislature whenever the public good may require, and this act shall be subject to any general law that may be passed at this, or any future session of the legislature, in reference to private corporations.

SEC. 7. This act shall take effect from its passage.

Approved, November 30, 1853.



No. 99.—AN ACT TO INCORPORATE THE BRANDON MARBLE AND LIME COMPANY.

SECTION	SECTION
1. Members, name, purposes, and privileges of corporation.	3. Provisions concerning indebtedness of corporation.
2. First meeting. By-laws. Division of stock.	4. This act to be subject to future legislation, and to chapter 83 of the C. S.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. Lyman P. White of Whiting, E. D. Barber of Middlebury, F. P. Fletcher of Bridport, C. M. Fletcher of Orwell, in the county of Addison, E. N. Briggs, Geo. W. Palmer, John Jackson, L. Bixby, and Julius E. Higgins of Brandon, in the county of Rutland, and J. H. Jenks of Boston, in the commonwealth of Massachusetts, their associates and successors, are hereby constituted a corporation by the name of the Brandon Marble and Lime Company, for the purpose of quarrying and manufacturing marble and lime, in all their various branches, or any commodity of which lime forms a component part, in this State; and by that name may sue and be sued; may have a common seal and the same may alter at pleasure; may purchase, hold, and convey, real and personal estate, to an amount not exceeding one hundred thousand dollars; may have and enjoy all the privileges incident to private corporations.

SEC. 2. The first meeting of said corporation shall be held at Brandon, at such time and place (within two years from the passage of this act) as Julius E. Higgins, one of the corporators, shall designate, by giving notice, in writing, to the other corporators, at least six days previous to said meeting, and at such meeting, and at all other legal meetings, they may make and alter such by-laws, rules and regulations, for the management of the business of said company, as may be deemed best, not repugnant to the laws of this State, or of the United States; and may divide their stock into as many shares, and provide for the transfer thereof, as they may from time to time deem expedient.

SEC. 3. The sum of five thousand dollars shall be paid in before said corporation shall contract any debts, no part of which shall afterwards be withdrawn, or in any manner diverted from the proper business of said company; and no debt shall be contracted at any time exceeding in amount two thirds of the capital stock actually paid in; and any director of said



company assenting to the creation of such indebtedness shall be personally liable for the amount of such excess.

SEC. 4. This act shall be subject to the action of future legislatures, to alter, amend or repeal, as the public good may require, and also to the provisions of chapter eighty-three of the compiled statutes, relating to private corporations, and shall be subject to any general law that may be passed at this or any future session of the legislature in reference to private corporations.

Approved, December 1, 1853.

# No. 100.—AN ACT TO INCORPORATE THE COLUMBIAN MARBLE COMPANY.

## SECTION

1. Members, purposes, name and privileges of corporation
2. First meeting. Capital stock. Provisions concerning the contracting of debts.

## SECTION

3. This act to be subject to future legislation and to chapter 83 of the C. S.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. John Merrit Hall, Luther Daniels, and Henry Hitchcock, their associates and successors, are hereby constituted a corporation by the name of the Columbian Marble Company, for the purpose of quarrying, manufacturing, and selling marble and slate in this State; and by that name may sue and be sued; may have a common seal; may purchase, hold, and convey real and personal estate; and may have and enjoy all the privileges incident to corporations.

SEC. 2. The first meeting of said corporation shall be held at Rutland, at such time and place, as may be agreed upon by the persons named in this act, or a majority of them, and at such meeting, and all other legal meetings, they may make and alter such by-laws, rules and regulations for the management of the business of said company as a majority may direct, not repugnant to the laws of this State, or of the United States; and may divide their stock into as many shares, and provide for the transfer thereof as they may from time to time, deem expedient; may increase

the same, from time to time, as a majority of the stockholders shall decide, to an amount not exceeding three hundred thousand dollars: *Provided*, that the sum of twenty thousand dollars shall be paid in before said corporation shall contract any debts, no part of which shall be afterwards withdrawn, or diverted from the proper business of said company; and no debts shall be contracted by said corporation exceeding in amount two-thirds of the capital stock of said corporation actually paid in.

SEC. 3. This act shall be subject to alteration or repeal by future legislatures, as the public good may require, and to the provisions of chapter eighty-three of the compiled statutes relating to private corporations, and shall be subject to any general law that may be passed at this or any future session of the legislature in reference to private corporations.

SEC. 4. This act shall take effect from its passage.

Approved, December 6, 1853.

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NO. 101.—AN ACT TO INCORPORATE THE AMERICAN MARBLE COMPANY.

SECTION

1. Members, name, purpose, and privileges of corporation.
2. First meeting. By-laws. Capital

SECTION

- stock. Provisions concerning debts.
3. This act to be subject to future legislation, and to ch. 83 of the C. S.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows:*

SEC. 1. Calvin P. Austin of Orwell, in the county of Addison, Stephen L. Goodell of Brandon, in the county of Rutland, and Lewis Z. Richardson of Boston, in the commonwealth of Massachusetts, their associates and successors, are hereby constituted a corporation, by the name of the American Marble Company, for the purpose of quarrying marble, in this State, manufacturing and selling the same, and manufacturing lime; and by that name may sue, and be sued; may have a common seal, and the same alter at pleasure; may purchase, hold and convey, real and personal estate; and may have and enjoy all privileges incident to corporations.

SEC. 2. The first meeting of the corporation shall be holden at Brandon, at such time and place as may be agreed upon by the persons named in this act, or a majority of them: and

at such meeting, and all other legal meetings, they may make, and alter, such by-laws, rules and regulations, for the management of the business of the corporation, as a majority may direct, not repugnant to the laws of this State; and may divide their stock into as many shares, and provide for the transfer of the same, as they may, from time to time, deem expedient; and may increase the same, from time to time, as a majority of the stockholders shall decide, to an amount not exceeding two hundred thousand dollars: *Provided*, that the sum of twenty thousand dollars shall be paid in before said corporation shall contract any debts, no part of which shall be afterwards withdrawn, or in any way diverted from the proper business of the company; and no debts shall be contracted by said corporation exceeding in amount two-thirds of the capital stock of the corporation actually paid in; and any director of said company assenting to the creation of such indebtedness, shall be held personally liable for the amount of such excess.

SEC. 4. This act shall be subject to the action of future legislatures to alter, repeal or amend, as the public good may require; and also to the provisions of chapter eighty-three of the compiled statutes, relating to corporations; also, to any general law that may be passed, at this or any future legislature, in reference to private corporations.

Approved, December 1, 1853.

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No. 102.—AN ACT IN RELATION TO THE BELLOWS FALLS WATER COMPANY.

Whereas, by an act of the General Assembly of this State, passed November 9, A. D. 1849, sundry persons therein named, and their associates and successors, were incorporated by the name of the Bellows Falls Water Company, for the purpose of supplying the inhabitants of the village of Bellows Falls with pure water from Minard's pond, for domestic uses: and, whereas, the waters of said pond have often been rendered impure by reason of nuisances placed in and near said pond:

Therefore,

*It is hereby enacted by the General Assembly of the State of Vermont, as follows:*

SEC. 1. If any person or persons shall go upon the waters of said pond with any boat, raft, or in any other way, or shall



go into said pond for the purpose of bathing, or any other purpose, or shall catch any fish in said pond, or shall place any noxious, decayed or offensive animal, or vegetable substance into said pond, or shall place the same upon the bank of said pond, so that by any means said substance shall be drawn or washed into said pond, he or they shall forfeit and pay a fine not exceeding twenty dollars, nor less than two dollars, to be recovered, with costs of prosecution, in an action of debt, in the name of any person who shall prosecute the same before any court having competent jurisdiction of the same: *Provided*, that this act shall not be so construed as to deprive any owner of the land flowed by the waters of said pond, of his legal rights in and to the possession and use of the same.

Approved, November 21, 1853.

# No. 103.—AN ACT TO INCORPORATE THE RUTLAND WATER COMPANY.

## SECTION

1. Members, name, purpose and privileges of corporation.
2. First meeting. By-laws. Capital stock.
3. Powers of corporation.
4. Further powers, and certain conditions.
5. Company may enter upon lands, &c., and in certain cases may apply to county judges to appoint a

## SECTION

- committee to examine and appraise damages, and report. Court to render judgment thereon.
6. Further powers of Corporation.
7. Inhabitants of Rutland, certain privileges of.
8. This act to be subject to future legislation, and to chapter 83 of the C. S.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows:*

SEC. 1. George T. Hodges, George W. Strong, Isaac McDaniels, E. Fosterbrook, Josiah Huntoon, L. Daniels, W. H. B. Owen, P. Johnson, J. B. Page, F. Chaffee, O. L. Robbins, James Porter, Reuben R. Thrall, Robert Pierpoint and Charles B. Manser and their associates and successors, are hereby constituted a body corporate by the name of the Rutland Water Company, with the powers incident to corporations, and may hold real and personal estate not exceeding twenty-five thousand dollars in value, for the purpose of constructing and main-



taining an aqueduct to supply the inhabitants of the village of Rutland with pure water for domestic purposes.

SEC. 2. William H. B. Owen, George W. Strong, and L. Daniels, or either of them, may call the first meeting of the corporation, to be held at the court house in Rutland, at such time as they, or either of them, may appoint, at any time within three years from the passage of this act, by publishing a notice of said meeting in the Rutland County Herald, or such other newspaper as shall be printed in said Rutland, and posting notices in three public places in said village of Rutland, at least six days previous to said meeting; and the said corporation may, at such and all other meetings legally notified, make, alter and repeal, such by-laws, rules and regulations, as may be thought necessary, not repugnant to the laws of the State; and such corporation may divide their stock into as many shares, and provide for the sale and mode of transfer thereof, as said corporation may, from time to time, deem expedient, and may levy and collect assessments on such shares, according to law.

SEC. 3. The said corporation is hereby empowered to take, occupy, and improve under a durable lease from, or such other agreement as they may make with, the Rutland aqueduct company, the present aqueduct right of way and other privileges and property of the said Rutland aqueduct company, for the purpose of supplying said village of Rutland with water; and also to take the waters of such fountains, springs, streams or water courses as they may purchase of the owners thereof for that purpose.

SEC. 4. The said corporation may dig up and open any street, common or highway in Rutland necessary for the purpose of constructing reservoirs, and laying said aqueduct, or for repairing the same, provided the same be done in such a manner as not to prevent their convenient use for travel, and be completed in a reasonable time, and so as not to disfigure said common or highway; and in all cases where said corporation shall lay or repair any of their pipes, in any inclosed lands, they shall leave the surface of said lands, as near as may be, in as good condition as it was before laying or repairing said pipes.

SEC. 5. The said corporation may enter upon and use any land and enclosure, through which it may be necessary for any new aqueduct or aqueducts laid by them, or for any alterations in the present aqueduct of the Rutland aqueduct company, or any branch or branches of said aqueduct or aqueducts, or alteration, to pass on the most practicable route or routes from the different sources where water is obtained to the different localities in said village of Rutland, to which said water is to be convey-

ed, for the purpose of placing, replacing or repairing, such reservoirs, and conduits or pipes, as may be necessary for constructing, completing, altering or repairing their aqueducts; and may agree with the owner or owners of said lands, for the use and occupation of the same; but in case of disagreement, or if the owner thereof be a minor, insane, out of the State, or otherwise incapacitated to sell and convey, said corporation, or the owners or persons interested in lands so entered upon, may apply to the judges of the county court for the county of Rutland, by petition, who shall appoint forthwith three disinterested persons, to view the premises and assess the damages sustained by the owners or occupants of such lands by the construction of such aqueducts; and it shall be the duty of said committee to appraise said damages, on oath, and report the same to the county court for said county of Rutland, at its first session thereafter; and if their report shall be accepted by said court, said court shall render judgment thereon, with or without costs, as they judge equitable, and issue execution therefor; or in case of minors, insane, or other incapacitated person or absentees, make such order respecting the payment of said damages as they may deem proper.

Sec. 6. The said company shall have power to contract debts, borrow money, and issue their bonds, or other obligations therefor, and for their security and payment, mortgage the property, either real or personal, of said company, together with their franchise; which bonds, or other obligations and mortgages, shall be executed in such manner as said company shall, by a by-law for that purpose, direct; and any such mortgage shall be recorded at length in the town clerk's office in Rutland, and shall be binding on said company.

Sec. 7. The inhabitants of the village of Rutland may put hydrants into the pipes of the aqueduct of said company, and draw therefrom, free of expense, as much water as may be necessary, when any building shall be on fire in said village; and may likewise keep supplied from said aqueduct, free of charge, suitable reservoirs, to be used in case of fire: *Provided*, that such hydrants and reservoirs shall be so secured that water shall not be drawn therefrom except for the purpose of extinguishing fires.

Sec. 8. This act shall be subject to the provisions of chapter eighty-three of the compiled statutes, entitled "private corporations;" and may be altered, amended or repealed, as the public good shall require; and shall take effect from its passage.

Approved, November 21, 1853.



No. 105.—AN ACT TO INCORPORATE THE CASTLETON HOTEL COMPANY.

SECTION	SECTION
1. Members, and powers of corporation.	to an amount equal to his stock.
2. Capital stock, and enactment of by-laws.	5. This act to be subject to future legislation, and also to the provisions of chapter 83 of the C. S.
3. First meeting.	6. No debts to be contracted until \$3,000 of capital, be paid in.
4. Each stockholder liable for debts	

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. James Adams, Jr., B. F. Adams, Gustavus Buel, John D. Goodwin, Ferrand Parker, Middleton Goldsmith, Moses Jackman, Josiah N. Northrop, Albert Tomlinson and their associates and successors are hereby constituted a body politic and corporate by the name of the Castleton Hotel Company, for the purpose of erecting a hotel and house of public entertainment in Castleton, in the county of Rutland, and by that name may sue and be sued ; may have a common seal, and may purchase real and personal estate to an amount not exceeding fifty thousand dollars and may sell and dispose of the same.

SEC. 2. The capital stock of said corporation may be divided into as many shares and may be sold and transferred and assessments made thereon, in such manner as said corporation from time to time may deem expedient ; and said corporation may make all by-laws and regulations for the government of said corporation not inconsistent with the constitution and laws of this State.

SEC. 3. James Adams, Jr., or any three corporators above named, may call the first meeting of said corporation by publishing in the Western Vermont Journal, printed in said Castleton, a notice of the time and place of such meeting, at least six day prior to said meeting.

SEC. 4. The private property of each stockholder in said

corporation, shall be liable for the debts of the same, to an amount equal to the amount of stock he shall own in said company.

SEC. 5. This act shall be under the control of the legislature to alter, amend or repeal, as the public good may require; and shall be subject to the provisions of chapter eighty-three of the compiled statutes entitled "private corporations."

SEC. 6. This corporation shall not contract any debts until at least three thousand dollars of the capital stock shall have been paid in, or secured to said corporation, no part of which shall be diverted from the business of the company; and shall not contract at any time, debts to a greater amount than three-fourths of their capital stock actually paid in.

SEC. 7. This act shall take effect from its passage.

Approved, November 30, 1853.

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No. 119.—AN ACT IN ADDITION TO THE ACT INCORPORATING THE "BRANDON IRON AND CAR WHEEL COMPANY."

## SECTION

1. Company may increase its capital and may purchase real estate to the value of \$200,000.
2. This act subject to "an act in

## SECTION

addition to the act incorporating the Brandon Iron and Car Wheel Company, approved November 5, 1852.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. The Brandon iron and car wheel company may increase its capital, and may purchase and hold real estate to an amount not exceeding two hundred thousand dollars.

SEC. 2. This act shall be subject to the provisions of the act entitled "an act in addition to an act incorporating the Brandon iron and car wheel company," which act was approved November 5, 1852.

Approved, November 21, 1853.

No. 123.—AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE RUTLAND GAS LIGHT COMPANY," APPROVED NOVEMBER 5, 1852.

## SECTION

1. Time specified in section 4 of former act extended to first Monday of September, 1854.

## SECTION

2. President and directors to hold their offices from the first Monday of September in each year.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. The time specified in section four of the act to which this is an addition, for the commissioners to act as directors, is hereby extended to the first Monday of September, A. D. 1854.

SEC. 2. The president and directors of said corporation shall hold their offices from the first Monday of September, in each year, instead of the time specified in section four of said act.

Approved, December 6, 1853.

No. 137.—AN ACT EXTENDING THE CHARTER OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE BANK OF RUTLAND, AND ENLARGING THEIR CAPITAL STOCK.

## SECTION

1. Act of corporation continued in force to Jan. 1, 1877.
2. Corporation to be subject to general laws relating to banks.
3. Capital stock. Commissioners. Relating to subscriptions.
4. Commissioners to give a list of subscriptions, &c., to directors, if 3000 and less than 6000 shares are taken; and subscribers, paying subscriptions, to be stockholders on the 1st of Jan., 1856.
5. Committee appointed to examine affairs of bank and declare dividend.
6. Members and powers of corpora-

## SECTION

- tion. If 6000 shares are not taken, the 1st, 4th and 6th sections of this act to be void.
7. First meeting.
8. Election of directors. If directors are not elected on the day prescribed, they may be elected on any other day.
9. Regulating transfers.
10. Bank not to commence operations until 6000 shares have been taken and \$150,000 paid in. Bank to commence business by Jan. 1, 1856.
11. This act to be subject to future legislatures.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. The act entitled "an act to incorporate the president, directors, and company of the bank of Rutland," passed the first day of November, A. D. 1824, and extended by the act entitled "an act extending the charter of the bank of Rutland," passed October 28th, 1840, is hereby extended and continued in force until the first day of January, A. D. 1877.

SEC. 2. The said corporation shall be subject to all general laws of this State, relating to banks and moneyed corporations now in force, or which may be hereafter enacted by the general assembly.

SEC. 3. The capital stock of the corporation, as established by this act, shall consist of six thousand shares of fifty dollars each. George W. Strong, Caleb B. Harrington, Luther Daniels, John Osgood, William Gilmore, John B. Page, and Ebenezer J. Bliss, of Rutland, are hereby appointed commissioners to receive subscriptions to the capital stock, and to divide the shares among the subscribers. The commissioners, or a majority of them, shall open books for subscriptions, at Rutland, within one hundred days from the first day of January, A. D. 1855, and shall keep them open for ten days, and thereafter until three thousand shares shall be subscribed for, from ten o'clock A. M. to four o'clock P. M. of each day, (Sundays excepted); and each subscriber, at the time of his subscribing, shall deposit with the commissioners, in money, ten dollars upon each share by him subscribed. If at the end of the ten days, no more than the three thousand shares shall be subscribed for by new subscribers, the stockholders of the present bank shall be entitled to the remaining shares, but not to any of the three thousand shares so subscribed for; but if more than three thousand shares shall be subscribed for, the present stockholders shall be entitled to subscribe for said capital stock. If the number of shares subscribed shall exceed six thousand, the excess shall be deducted from subscriptions for more than twenty shares each; and if an excess shall still remain, the commissioners shall reduce the subscriptions as they shall deem just, reserving entire shares, till the number of shares shall not exceed six thousand; but in deducting such excess, the commissioners shall give a preference to the inhabitants of this State. If more than three thousand, and less than six thousand shares shall be subscribed for, the difference between the number of shares subscribed for and the number of six thousand shares, shall be divided among the old stockholders, as the commissioners shall deem best; and, in such case, the shares subscribed for shall be divided so that the new subscribers shall be entitled to at least three thousand shares. If at the end of the ten days three thousand shares are not subscribed for by new subscribers, then the present stockholders may subscribe for that portion of the three thousand shares not subscribed for by new subscribers.

SEC. 4. If three thousand or more shares, and less than six thousand shares shall be subscribed for, the commissioners shall deliver to the directors of the said bank, as aforesaid, a list of the subscribers and stockholders entitled to shares, and of the number of shares to which each is entitled, and the sums of money paid by each on his subscription; and shall also deliver to said directors the amounts deposited with them by said subscribers;



and the bank shall cause the same to be recorded in a book kept for that purpose, and shall allow each subscriber interest on the amount paid by him on his shares, till the first day of January, A. D. 1856; and the new subscribers, on full payment of their subscriptions, shall, on the first day of January, A. D. 1856, become stockholders in said bank, and entitled to all its privileges.

SEC. 5. In such case, Luther Daniels, Joseph Warner, and George W. Strong, shall be a committee to examine all the affairs of the bank, and appraise all its property; and the directors of the said bank shall, on the second Tuesday of January, A. D. 1856, make a dividend, under the direction, and with the approbation of said committee, so as not to reduce the value, in cash, of its capital stock, below fifty dollars per share. And the said committee shall further ascertain and decide what sum of money shall be paid to the present stockholders and their assigns, by said bank, for expenses incurred previous to said decision, for the future benefit of said bank, which sum, thus ascertained, shall be paid to the present stockholders and their assigns, by said bank, after the second Tuesday of January, A. D. 1856, and before any further dividends shall be made.

SEC. 6. If six thousand or more shares shall be subscribed for, the subscribers who may be entitled to the six thousand shares by the award of the commissioners, as provided in the third section of this act, their successors and assigns, shall be, and the same are, hereby constituted a corporation by the name of the "Bank of Rutland"; and by that name may sue and be sued; may have a common seal; may purchase and hold real estate for their own use, and have all the privileges incident to corporations; and shall so continue and have succession until the first day of January, A. D. 1877, and shall be located at the village of Rutland; and if the said six thousand or more shares shall be subscribed for, as aforesaid, then the first, fourth, and fifth sections of this act shall be void, and the subscriptions provided for in the third section shall remain valid as subscriptions to the capital stock of the said "bank of Rutland."

SEC. 7. If the six thousand or more shares shall be subscribed for, it shall be the duty of the commissioners, within one hundred days after the subscription is closed and the shares divided, to call a meeting of the subscribers entitled to the six thousand shares, at such time and place as they shall think proper, by publishing a notice therefor, signed by a majority of them, in all the newspapers printed in Rutland county, at least three week successively, previous to said meeting, for the purpose of electing seven or nine directors of the said "bank of

Rutland"; and the said commissioners shall deliver to such directors, when elected, or within ten days after they shall enter upon the duties of their office, a list of the names of the subscribers entitled to shares, and the number of shares to which each is entitled, and the sum by each deposited with them, under their hands, or a majority of them; and shall also deliver to the said directors, all moneys received by them on deposit on such shares, which list the directors shall cause to be recorded in the records of said bank, and thereupon issue certificates to such subscribers for their shares.

SEC. 8. The stock, property, and concerns of the bank of Rutland shall be managed by either seven or nine directors, as the stockholders may elect. A majority of such number as said stockholders may elect at each annual meeting, shall constitute a quorum for the transaction of business, and shall hold their offices until the second Tuesday of January next after their appointment, and until their successors are appointed and qualified; and such directors shall be elected annually thereafter, on the second Tuesday of January, at such time and place as a majority of directors for the time being shall direct, public notice whereof shall be given, not less than thirty days previous to such election. If an election of directors shall not be made on the day prescribed, the corporation shall not be thereby dissolved, but a meeting for the election of directors may be held on any other day, pursuant to the by-laws of the corporation.

SEC. 9. The shares in the bank shall be transferred only in such manner, and under such regulations, as shall be prescribed by the by-laws of the corporation; but no transfer shall be valid until recorded by the cashier, or in his absence, by any officer of the bank, in a book kept for that purpose, nor until the person so making the transfer shall have discharged all debts and liabilities due from him to the bank.

SEC. 10. No operations of the said bank of Rutland shall be commenced until six thousand shares shall have been subscribed for, pursuant to the provisions of the third section of this act, and at least the sum of one hundred and fifty thousand dollars of the capital stock of said bank shall be paid into said bank; and the said corporation shall take no benefit from this act, unless the said bank shall commence business on or before the first day of January, A. D. 1856.

SEC. 11. This act shall be subject to be amended, altered, or repealed, as the public good may require.

Approved, December 2, 1853.

THE  
ACTS AND RESOLVES  
PASSED BY  
THE GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT,  
AT THE  
OCTOBER SESSION,  
**1854.**

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PUBLISHED BY AUTHORITY.

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MONTPELIER :  
E. P. WALTON JR., PRINTER.

1854.

**Acts and Resolves 1854**



the afternoon, at which meeting a majority of the corporators named shall be necessary for a quorum to do business; they shall organize by the election of a president of the corporation, from their own number, and a secretary. When organized, they may make by-laws, rules and regulations, appoint officers, and set times for annual and other meetings for the transaction of such other business as pertains to the objects of the corporation, *Provided*, that at any regular meeting, subsequent to the meeting above named, twelve members shall constitute a quorum.

SEC. 6. Previous to January first, eighteen hundred and fifty-five, the Bakersfield Academical Institution shall, in a legal manner, vote to accept this act, and shall convey the property, books, philosophical apparatus and instruments of said corporation to said Union Institute. And the associates or owners of the Bakersfield Literary Institute shall, in like manner agree to accept this act, and shall in like manner convey the property, books, philosophical apparatus and instruments of said association to said Union Institute. Otherwise this act shall be void and of no effect.

SEC. 7. This act shall be subject to the control of any future legislature to alter, amend or repeal, as the public good may require.

SEC. 8. This act shall take effect from its passage.

Approved, November 14, 1854.

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### No. 81.—AN ACT TO INCORPORATE THE RUTLAND MARBLE COMPANY.

#### SECTION

1. Members, name and powers of corporation.
4. First meeting; company not to commence business until a certain amount of capital stock be paid in.

#### SECTION

3. This act subject to certain sections of the act of 1853.
4. This act to be subject to the legislature.



*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. H. Henry Baxter, George W. Strong, C. B. Harrington, John Bradley, T. H. Canfield, Henry Deane, A. J. Baxter, and their associates and successors, are hereby constituted a corporation and body politic, by the name of the " Rutland Marble Company," for the purpose of quarrying, manufacturing, buying and selling marble, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any courts of law or equity whatsoever, in all suits and actions ; may have a common seal, and the same alter at pleasure ; may have perpetual succession ; may purchase, hold and convey, real and personal estate, and may have and enjoy all the privileges incident to a corporation.

SEC. 2. The first meeting of such corporation shall be held at such time and place as may be agreed upon by the persons named in this act, or a majority of them ; and at such meeting, and all other legal meetings, they may make and alter such by-laws, rules and regulations, for the management of the business of such company as a majority may direct, not repugnant to the laws of this state or of the United States ; and may fix the amount of their capital stock, and divide the same into as many shares, and provide for the transfer thereof, as they may from time to time deem expedient ; and may increase the same from time to time, as a majority of the stockholders shall decide : *Provided*, that the sum of one hundred thousand dollars shall be paid in before said corporation shall contract any debts, no part of which shall afterwards be withdrawn, or in any manner diverted from the proper business of said company.

SEC. 3. This act is hereby made subject to the provisions in force of sections seven, eight, nine, ten, eleven, twelve, thir-

teen, twenty and twenty-one of an act providing for the organization of private corporations, approved December 5, 1853.

SEC. 4. This act shall be at all times under the control of the legislature, to alter, amend or repeal, as the public good may require.

SEC. 5. This act shall take effect from its passage.

Approved, November 14, 1854.

**No. 82.—AN ACT IN ADDITION TO AN ACT INCORPORATING THE VERMONT MARBLE AND SOAP STONE COMPANY.**

**SECTION**

1. Capital increased. May divide into shares.
2. This act subject to act of incor-

**SECTION**

poration, and certain sections of act relating to private corporations, passed 1853.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. The Vermont Marble and Soap Stone Company may increase their capital, and divide the same into shares to an amount not exceeding one hundred thousand dollars.

SEC. 2. This act shall be subject to the provisions of an act to incorporate the Vermont Marble and Soap Stone Company, which act was approved, November 24, 1853 ; and, also, to the provisions contained in sections seven, eight, nine, ten, eleven, twelve, thirteen, twenty and twenty-one, of an act providing for the organization of private corporations, approved December 5, 1853.

Approved, November 14, 1854.

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No. 104.—AN ACT TO INCORPORATE THE RUTLAND CEMETERY ASSOCIATION.

## SECTION

1. Members, name and powers of corporation.
2. Trustees and officers, election of.
2. First meeting. By-laws and trustees.
4. Disposition of lands of association. Map of lands to be filed in town clerk's office. Sale of lands. Proprietors to have one vote for each lot.

## SECTION

5. Taxes, how assessed and collected.
6. Proprietors of lots, relating to. Rules and regulations concerning proprietors.
7. Cemetery lands to be exempt from taxation, &c. No street to be laid out through such cemetery grounds, except by consent of corporation.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*



SEC. 1. S. H. Hodges, E. F. Cooke, George T. Hodges, James B. Porter, E. Pierpoint, Luther Daniels, John B. Page, R. Barrett, George W. Strong, W. Y. Ripley, William Gookin, Harris Hosford, J. C. Griggs, Benjamin Capron, John Proctor, William Gilmore, Francis Slason, W. F. Barnes, B. F. Blanchard, and their associates and successors, are hereby constituted a corporation by the name of the Rutland Cemetery Association, and by that name may sue and be sued, may have a common seal, may have perpetual succession, and enjoy all the privileges incident to a corporation; and may take by purchase or gift, and hold, within the town of Rutland, real estate not exceeding sixty acres of land, to be held and occupied for a cemetery, for the burial of the dead, and for no other purpose. Such association may also purchase, or take by gift and hold, personal property to an amount not exceeding five thousand dollars, and may use or sell the same, and apply the proceeds to promote the objects of the association.

SEC. 2. The affairs and property of said association shall be managed by trustees, in number not less than three nor more than seven, a majority of whom shall form a board for the transaction of business. The trustees shall appoint from among their number a president, secretary and treasurer, who shall hold their places during the pleasure of the board. The trustees shall be elected annually, but in case of failure of an annual election, the old trustees shall hold their offices until new ones shall be elected.

SEC. 3. The first meeting of the corporation shall be holden at Rutland, at such time and place as a majority of the persons named in this act shall designate, by a publication in the Rutland Herald. At such meeting, they shall appoint three or more trustees, and at such meeting, or any subsequent meeting duly called they shall make and alter their by-laws, rules and regulations, as may be thought necessary.



such portion thereof as may from time to time be required for that purpose, shall be surveyed and laid out into lots, avenues, walks, alleys and open areas, of such size and form as the trustees may direct, and a map or maps thereof shall be made and filed in the town clerk's office for the town of Rutland. After such maps shall have been so filed, the trustees may sell and convey the lots so designated on such map, upon such terms, and subject to such conditions, restrictions and regulations as the trustees may prescribe; and every conveyance of such lot shall be expressly for burial purposes, and no other, and shall be in the corporate name of the association, and executed by the president thereof, and every such lot shall entitle the owner thereof to one vote in the election of trustees.

SEC. 5. The corporation may assess a tax, not exceeding two dollars in any one year upon each lot, upon the proprietors of the lots in the cemetery of such association, and if any proprietor or proprietors refuse to pay the tax so assessed, the corporation may sue for and collect the same from the proprietor or proprietors of any such lot. The funds arising from the sale of lots in such cemetery, and from the assessment of taxes voted upon such lots, shall be applied for the payment of any debts incurred by the corporation in the purchase of the corporation grounds and property, and in laying out, improving and embellishing the same, and in providing suitable conveniences for the burial of the dead, and in defraying the necessary expenses in the care and management of the same, and for no other purpose.

SEC. 6. Each proprietor of a lot shall be deemed to own and hold such lot in fee simple to him and his heirs forever, to use such lot for the burial of the dead, and for no other purpose whatever, and subject to such conditions, restrictions and regulations, as the trustees may from time to time adopt; but no rule or regulation shall be adopted, to restrain any proprietor of a lot in the free exercise or enjoyment of his religious sentiments as to the burial of the dead.

SEC. 7. The cemetery lands, structures and property of the corporation, shall be exempted from all public taxes, as also the lots of the proprietors; nor shall the lots be liable to be levied upon by execution, or to be applied in payment of debts of individual proprietors; but the proprietors of lots in such cemetery, their heirs or legal representatives, may hold the same, and all structures and monuments thereon, exempt therefrom so long as the same shall remain appropriated to the use of a cemetery; and during that time no street, highway or railroad shall be laid out through such cemetery, or any part thereof, without the consent of the corporation.

Approved, November 9, 1854.

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NO. 109.—AN ACT IN ADDITION TO AN ACT APPROVED DECEMBER 2, 1853, RELATING TO THE BANK OF RUTLAND.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. Samuel H. Kellogg, of Pittsford, Alanson Allen of Fairhaven, George T. Hodges, and H. Henry Baxter, of Rutland, are hereby appointed commissioners to receive subscriptions to the capital stock, and to divide the shares among the subscribers, in addition to the commissioners named in section three of the act to which this is an addition.

SEC. 2. This act shall take effect from its passage.

Approved, November 1, 1854.

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THE  
ACTS AND RESOLVES  
PASSED BY  
THE GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT,  
AT THE  
OCTOBER SESSION,  
1855.



PUBLISHED BY AUTHORITY.

MONTPELIER :  
**Acts and Resolves 1855**  
E. P. WALTON, JR., PRINTER.

1855.



o. 92.—AN ACT TO INCORPORATE THE RUTLAND  
GAS LIGHT COMPANY.

## SECTION

Corporators. Name, object and powers of corporation.

May occupy public streets for certain purposes.

Commissioners for receiving subscription for capital stock and their duties.

Five directors may manage corporation. Manner of their election. President.

Organization.

Corporation not to be dissolved on failure to elect officers.

## SECTION

7. Powers and duties of directors.

8. Stock transferable.

9. Punishment of persons for injuring works of corporation.

10. Company to keep books of account open for the inspection of stockholders.

11. Made a public act.

12. Directors may increase capital stock.

13. This act subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

**Acts and Resolves 1855**

SEC. 1. George T. Hodges, Luther Daniels, George W. Strong, H. Henry Baxter, E. Foster Cook, George A. Tuttle.

Harrington, John Landon, John B. Page, Evelyn Pierpoint, Frederick Chaffee, Charles L. Williams, Josiah Huntoon and Henry S. Dorrance, and such persons as may become subscribers in the mode hereinafter prescribed, and their successors, are hereby constituted a corporation by the name of the "Rutland Gas light Company," and by that name may sue and be sued, and have all the powers, rights and privileges incident to corporations; and by the said name the said corporation shall have power and authority to construct the necessary buildings and apparatus to manufacture gas, to be made of bituminous coal or other materials, to manufacture and sell the same for the purpose of lighting the streets, buildings, manufactories and other places situated in the village of Rutland, and to enter into and execute contracts, agreements or covenants in relation to the objects of this corporation, and of enforcing the same, and be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of said corporation: *Provided*, that the said real estate shall not exceed what may be necessary for the purpose mentioned; and no private lands shall be taken or appropriated without permission being first obtained in writing, from the owner or owners thereof.

SEC. 2. The said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors in the streets, alleys, lanes, avenues or public grounds of the said village of Rutland, and to do all things necessary to light the said village, and the dwellings, stores and other places situated therein: *Provided*, that the public travel of the said village shall at no time be unnecessarily affected or impeded by the laying of said pipes, or the erecting of said



posts, and the streets, side and cross walks, public grounds, lanes and avenues shall not be injured, but all be left in as good and perfect condition as before the laying of said pipes or the erection of said posts.

SEC. 3. Luther Daniels, H. Henry Baxter, George W. Strong, Rockwood Barrett, Evelyn Pierpoint, John B. Page, and Charles L. Williams, are hereby appointed commissioners for receiving subscriptions for the sum of twenty-five thousand dollars, to constitute the capital stock of said corporation, in shares of twenty-five dollars each; and the said commissioners, or a majority of them, shall open books for that purpose at such time and at such place or places within this state as they shall designate, by a public advertisement to be previously inserted for at least three weeks in a public newspaper printed in the said village of Rutland, and continue the same open until the said capital stock shall be subscribed, or at their discretion close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid, and the sum of five per cent. upon each share so subscribed, shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, if the said commissioners shall so require; and the amount so received by the said commissioners at the time of subscription, shall by them, or a majority of them, be paid over to the treasurer of said company, to be appointed as hereinafter directed; and the board of directors constituted as hereinafter provided, shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of twenty-five thousand dollars, and are also authorized to call upon the said subscribers for the payment of further installments in such sum or sums, at such time or times, and und

such forfeiture or forfeitures, as they may deem expedient, until the whole amount of shares so subscribed shall have been duly paid.

SEC. 4. The management of the concerns of said corporation shall be vested in five directors, to be selected from the stockholders, as soon as ten thousand dollars of the capital stock is subscribed; and the commissioners named in this act, being stockholders, shall act as directors of the company, until the first election of directors; and the said directors shall choose by plurality of votes a president from among themselves, and shall also elect a secretary and treasurer, who shall be residents of this state; and the said directors and president shall hold their offices from the first Monday in July in every year, for one year, and shall be elected on the first Monday in July in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election for ten days, in a newspaper published in the village of Rutland; and any vacancy in the said board of directors may be supplied by appointments to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall have held in his, her or their name, or names, at least ten days before the time of voting.

SEC. 5. The said corporation shall not organize or be empowered to transact business, until ten thousand dollars, at least, of the capital stock, shall have been subscribed for, as aforesaid.

SEC. 6. If at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held in such manner as is directed by the by-laws at any time within one year.

SEC. 7. The directors for the time being shall form a board, and they or a majority of them, shall be a quorum for trans-



acting business, and have power to make by-laws, rules and regulations not repugnant to the constitution or laws of the United States, or of this state, for the government of the said corporation, the management and distribution of the stock and the property thereof; and the duty of the officers, clerks, and persons employed therein, the election of directors, and all other matters appertaining to their business or concerns; and may appoint as many officers, clerks and servants, and with such salaries and allowances as shall to them seem necessary; and the said board of directors shall have power to make and declare such dividends among the stockholders from time to time as the net profits and earnings of the business of the said company shall enable them to do.

SEC. 8. The stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and the stock and transfer books be open at all times to the inspection of the stockholders.

SEC. 9. If any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, thereby to injure any conduit, pipe, cock, machine or structure whatever, or any thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both: *Provided*, such criminal prosecution shall not in any wise impair the right of action for damages, by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same.

SEC. 10. The said company shall cause to be kept, at their office in Rutland, proper books of accounts, in which shall be fairly and truly entered all the transactions of the company,

which books shall at all times be open for the inspection of the stockholders.

SEC. 11. This shall be a public act, and shall be judicially referred to by all judges, justices and others, without being specially pleaded.

SEC. 12. The board of directors may in their discretion increase the capital stock of this corporation to not exceeding one hundred thousand dollars.

SEC. 13. The legislature may at any time alter, amend or repeal this act.

SEC. 14. This act shall take effect from its passage.

Approved, November 7, 1855.

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No. 100.—AN ACT TO INCORPORATE THE RUTLAND  
FOUNDRY AND MACHINE SHOP COMPANY.

## SECTION

1. Corporators. Name, object and powers of corporation.
2. First meeting. By-laws.
3. Capital stock not to be withdrawn.

## SECTION

4. This act subject to provisions of chapter 83 of the c. s., and to the control of future legislatures.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. John H. Blake, Franklin Daracott, of the city of Boston, John H. Bowman of Rutland, John Howe jr., of Brandon, and their associates and successors, are constituted a corporation by the name of the Rutland Foundry and Machine Shop Company ; and by that may sue and be sued, may have a common seal, and may have and enjoy all the privileges incident to corporations, for the purpose of making castings and machinery of all descriptions in the town of Rutland, with such other business as is usually connected with a foundry and machine shop ; may purchase, hold and convey real and personal estate to an amount not exceeding fifty thousand dollars.

SEC. 2. Any of said corporators shall have power to call the first meeting of the corporation, to be holden in the town of Rutland, by giving each of the corporators notice of the time and place of meeting, and at such meeting and all subsequent meetings duly holden, said corporation may make such by-laws, and regulations for conducting its affairs as a majority may direct, not repugnant to the laws of this or the United States, and may divide their stock into shares and provide for the sale and transfer of the same as may be deemed best.

**Acts and Resolves 1855**

SEC. 3. No part of the capital paid in shall be withdrawn or in any manner diverted from the business of the company,



nor shall said corporation contract debts at any time to an amount exceeding three-fourths of the capital stock paid in; and if the indebtedness at any time exceed the amount aforesaid, the directors of said company consenting thereto shall be personally holden to the creditors of said company.

SEC. 4. Said corporation shall be subject to the provisions of chapter eighty-three of the compiled statutes relating to private corporations, and any other general law relating to private corporations, and subject to be altered, amended or repealed, as the public good may require.

Approved, November 12, 1855.

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No. 127.—AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT INCORPORATING THE RUTLAND AND ADDISON MUTUAL FIRE INSURANCE COMPANY."

## SECTION

1. Losses, when to be paid. Insured entitled to a certificate of amount of loss, at what time.
2. Assignee of policy liable to pay assessment on premium note.

## SECTION

3. Insurance in another company, unless by consent, renders insurance in this company void.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. All losses which shall happen on policies issued by said company after the first day of December, 1855, and which shall be ascertained and adjusted on or before the first day of July in each year thereafter, shall be paid by the company on the first day of January next following ; and all losses which shall be ascertained and adjusted between the first day of July and the first day of December in any year, shall be paid by the company on the first day of November next following the said first day of December. The insured shall be entitled to a certificate from the treasurer for the amount of such loss at the end of three months from the time of notice of said loss to said company, which amount shall be on interest from and after said three months.

SEC. 2. The assignee of any policy shall be liable to pay all assessments made upon the premium note given upon the issuing of said policy, and subject to the same liabilities as though such assignee had signed the premium note.

SEC. 3. If insurance on any house or building, or other property, real or personal, shall be and subsist in said company, and in any other office or company, or from or by any other person at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsists by the consent of the company, signified on the policy.

Approved, November 7, 1855.

THE  
Acts and Resolves  
PASSED BY THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT,  
AT THE  
OCTOBER SESSION,  
1857.



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PUBLISHED BY AUTHORITY,

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MONTPELIER:  
E. P. WALTON, PRINTER.  
1857.

Acts and Resolves 1857

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No. 57.—AN ACT LAYING A TAX ON THE COUNTY OF  
RUTLAND.

## SECTION

1. One cent on the list of polls and rate-  
able estate assessed.
2. When treasurer to issue warrant to

## SECTION

- constables. When selectmen to make  
out and deliver tax bills to constables.
3. How money to be expended.

*It is hereby enacted by the General Assembly of the State of  
Vermont, as follows :*



SEC. 1. There is hereby assessed a tax of one cent on the dollar of the list of polls and rateable estate of the inhabitants of the county of Rutland, for the purpose of defraying the expenses of repairing and enlarging the common jail in said county, as authorized by acts of the legislature passed in 1854 and 1855. said tax to be collected and paid to the treasurer of said county on or before the first day of June, 1858.

SEC. 2. The treasurer of said county is hereby directed to issue his warrant, in due form, to the first constable of each town in said county, on or before the first day of February A. D. 1858, and the selectmen of each of said towns shall, on or before the first day of March, 1858, make and deliver to the first constable of such town an assessment or tax bill, for the collection of said tax.

SEC. 3. The committee appointed by the act of the legislature approved November 14, 1855, to make alterations and repairs in said jail, are hereby authorized to pay for such repairs and alterations the amount which shall be paid into the county treasury by virtue of this act, in addition to the amount they were authorized to expend by the former statutes on the subject, and draw orders upon the treasurer of said county for the same.

Approved, November 6, 1857.

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No. 92.—AN ACT TO INCORPORATE THE VERMONT  
MECHANICS INSTITUTE.

## SECTION

1. Corporators. Name and powers of the corporation.
2. Location of the society. May take and hold real and personal estate.
3. First meeting.

## SECTION

4. Election of officers. By-laws.
5. This act to be under the control of future legislatures.
6. This act to take effect from its passage.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. John Howe, Jr., Rockwood Barrett, George F. Edmunds, Robert Pierpoint, William Gilmore, Israel Davey, Hamilton Whitmore, John Cain, William T. Nichols, Jason Davenport, Frederick E. Woodbridge and Henry G. Root, together with such persons as may hereafter become associated with them, are hereby constituted a body corporate by the name of the Vermont Mechanics Institute, and by that name may sue and be sued, have a common seal, and enjoy all the privileges incident to corporations.

SEC. 2. This society shall be permanently located at Rutland. It shall be empowered to purchase, hold, convey and receive donations, of real and personal estate, to an amount not exceeding ten thousand dollars, and enjoy the same free from taxation; for the purpose of sustaining exhibitions of the manufactures of this State, and promoting horticulture, the mechanic and fine arts.

SEC. 3. The first meeting of this corporation shall be held at Rutland, and may be called by any two of the persons named in this act, notice of the time and place of such meeting being directed to each of the other corporators and deposited in the Rutland post office, at least ten days previous to such meeting.

SEC. 4. This society may appoint such officers as they may

deem expedient, and make such by-laws and regulations as shall be deemed necessary to promote its objects, not inconsistent with the constitution and laws of this State.

SEC. 5. This act shall be subject to the action of future legislation, to alter, amend or repeal, as the public good may require.

SEC. 6. This act shall take effect from its passage.

Approved, November 11, 1857.

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No. 100.—AN ACT INCORPORATING THE SUTHER-  
LAND FALLS HOTEL COMPANY.

## SECTION

1. Corporators. Name and powers of corporation.
2. Capital stock. By-laws.
3. Private property of stockholders hold-  
en, &c.

## SECTION

4. First meeting.
5. This act to be under the control of fu-  
ture legislatures.
6. Act to take effect from its passage.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

Sec. 1. E. M. Madden, H. P. Roberts, E. P. Wheeler, W. S. Corwin, John M. Goodenough, A. C. Powers, E. L. Ormsbee, John Cain, F. A. Fisher, and their associates and successors, are



hereby constituted a body politic and corporate, by the name of the Sutherland Falls Hotel Company, for the purpose of erecting a hotel and house of public entertainment at Sutherland Falls, in the town of Rutland, in Rutland county; and by that name may sue and be sued; may have a common seal, and the same alter at pleasure, and may purchase and hold personal and real estate to an amount not exceeding forty thousand dollars.

SEC. 2. The capital stock of said company may be divided into as many shares, and be sold and transferred in such manner, and assessments made thereon, as said corporation may from time to time deem expedient; and said corporation may make all by-laws and regulations for the government of said corporation, not inconsistent with the constitution and laws of this State or of the United States.

SEC. 3. The private property of each stockholder in said corporation shall be liable for the debts of the said corporation to an amount equal to the amount of the stock he shall own in said company.

SEC. 4. Francis A. Fisher, or any two of the said corporators, are authorized to call the first meeting of said corporation, by notifying each of said corporators of the time and place of meeting in writing, at least three days prior to said meeting.

SEC. 5. This act shall always be under the control of the legislature to alter, amend or repeal, as the public good may require; and shall be subject to the provisions of chapter eighty-three of the compiled statutes, and all public acts relating to private corporations; and said corporation shall not contract any debts until at least five thousand dollars of their capital stock is actually paid in, and in no case shall any of the capital stock be diverted from the business of the company.

SEC. 6. This act shall take effect from its passage.

Approved, October 28, 1857.



THE  
ACTS AND RESOLVES  
PASSED BY THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT,  
AT THE  
ANNUAL SESSION,  
1862.



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PUBLISHED BY AUTHORITY.

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MONTPELIER:  
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1862.

# CORPORATIONS.

## No. 58.—AN ACT TO INCORPORATE THE RUTLAND AND CASTLETON RAILROAD COMPANY.

### SECTION

1. Name, purposes and powers of Corporation.
2. Time for constructing said Road limited.
3. Capital stock, of the amount, division and transfer of; to be deemed personal property.
4. Commissioners. Books of subscription to be opened. Election of Directors. Survey of route, &c.
5. President and Vice President, election of. Vacancies, how filled.
6. Powers of Directors; shall appoint a Treasurer, Clerk, &c, and fix salaries.
7. Regulations concerning occupation of lands. In case of disagreement Supreme Court may appoint Commissioners to assess damages, &c.
8. Appeal granted from Commissioners to County Court. Decision of County Court to be final.
9. Toll granted, subject to alteration by the Supreme Court.
10. Corporation may erect toll-houses. Books to be open for inspection by Committee of Legislature or Supreme Court. Committee may examine officers under oath.

### SECTION

11. Penalty for injuring the Road with furniture thereof.
12. Provisions for crossing private ways, highways and water-courses. Relating to crossing said Road.
13. Relating to the payment of subscriptions.
14. Further in relation to the payment of subscriptions.
15. Leases, sales and connections with any other Road regulated.
16. Said Road may unite with the Rutland & Whitehall, with the Rutland & Washington Road, and with the Rutland & Burlington Road, on such terms as may be agreed upon. Regulation in case of disagreement.
17. Company may extend a branch or branches to certain marble quarries and mills. May cross the track of the Rutland & Washington Road.
18. Regulations concerning the transportation of the United States Mail.
19. Regulations in relation to opening and re-opening books of subscription. Said Company may organize when \$50,000 shall have been subscribed.
20. Notice to be given of the approach of any engine to any

## SECTION

crossing. Damage by reason of neglect, how recovered.

21. Conditions, in relation to the running, connections, rates, &c., of the Rutland & Washington and the Rutland & Whitehall

## SECTION

Railroads, upon which this act shall be void.

22. Act subject to the general laws applicable to railroads.

23. Act takes effect from its passage.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. Such persons as shall hereafter become stockholders of said company, are hereby constituted a body corporate by the name of the Rutland and Castleton Rail Road Company, for the purpose and with the right, of building a rail road, with a single or double track, from some point in the town of Rutland, most convenient for connecting with the Rutland and Burlington Rail Road, through the town of Ira to some point in the town of Castleton most convenient for meeting and connecting with the Rutland and Whitehall Railroad, to carry persons and property, on said Road, by the power of steam or otherwise ; and by that name may sue and be sued, have a seal and have all the rights incident to corporations.

SEC. 2. If said corporation shall not, within five years from the passage of this act, build and put in operation the whole of said road, then the rights and powers granted by this act, shall cease for such parts of said road as shall not then be completed, but shall be valid for such parts of said road as shall then be built and put in operation.

SEC. 3. The capital stock of said corporation shall be two hundred thousand dollars, which may be increased to such an amount as may be necessary to complete said road, and furnish all necessary buildings, carriages, and all other needful appurtenances thereto ; and said capital stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and may be transferred in the manner which said corporation may, by their by-laws, prescribe.

SEC. 4. Araunah A. Hyde, Jacob Edgerton, Pitt A. Hyde



Carlos S. Sherman and Warren A. Cook, shall be commissioners, who shall within one year open books for receiving subscriptions to the capital stock of said corporation, at some convenient place in Rutland, Castleton and Fairhaven, and at such other places as they shall deem proper, giving twenty days notice thereof in all the newspapers printed in the county of Rutland, and shall call all meetings of said corporation necessary for the due organization of the same; and as soon as the capital stock, or fifty thousand dollars of the same shall be subscribed, said commissioners shall call a meeting of the stockholders, giving twenty days notice thereof, by publication as aforesaid, to choose five directors; and said directors shall be chosen by such of the stockholders as shall attend in person or by proxy, each stockholder to have as many votes as he holds shares; and said commissioners shall be inspectors of the first election of directors, and shall certify the names of those elected, and deliver the books of subscription to such directors; and the time and place of holding the first meeting of the directors shall be fixed by said commissioners. A new election of directors shall be made annually, at such time and place as the board of directors shall appoint, giving twenty days notice of such meeting by a publication thereof in some newspaper printed in the county of Rutland. Said directors may appoint an engineer, and cause such examinations and surveys of said road to be made as they may deem necessary; and said directors after making such examinations and surveys, shall, by certificates under their hands and seals, designate the line or route on which said road shall be made; and they shall cause the same to be recorded in the several town clerk's offices in the towns through or in which said road shall pass, and said company may make any alterations in the route of said road from time to time, always causing the same to be recorded in the town clerk's office in the towns where such alterations shall be made; and the expense of such examination and survey, as well as all preliminary surveys now making, or made, and all incidental expenses relating thereto, shall be paid by said company.



SEC. 5. The Directors, as soon as may be after their election, shall annually elect, from their own number, a President and Vice President, and in case of the death, resignation or absence of the President, the Vice President shall preside until another President shall be chosen; and in case of the death or resignation of any officer of the Company, the Directors may fill such vacancy until the next annual election.

SEC. 6. These Directors shall form a board competent to transact all the business of the Company; they may make such by-laws, rules and regulations as they shall deem needful and proper for the management and disposition of the stock, property and effects of the Company, the transfer of shares, the duties and conduct of their officers, the election of Directors, and all other matters pertaining to the concerns of said Company; they may also appoint a Clerk and Treasurer, who shall give bonds for the faithful discharge of their respective duties, and as many servants as they shall think best, and fix the salary of every officer and servant of said Company.

SEC. 7. Said Corporation may, by their engineers and agents, enter upon the route so to be designated by said Directors as the line or route upon which to make said road, and take possession of and use all such land, or real estate, as may be necessary for the construction and maintenance of said road and the accommodations requisite to the same; and may take and hold all grants and donations of land and real estate that may be made to said Company for the purpose herein granted: *Provided*, that all lands and real estate thus entered upon, taken possession of and used by said Company, and not granted as above mentioned, shall be purchased by said Company of the owner thereof; and in case of disagreement as to the price, the County Court for the County of Rutland, upon application of either party, shall appoint three disinterested commissioners to determine the damages which the owner of the land or real estate thus entered upon by said Company may have sustained, or shall, or is likely to sustain, by the occupation thereof; and said Commissioners shall hear said claim for damages, giving the parties ten days notice of the time and

place of hearing, and shall deliver to the parties a written statement of their award in the premises, with a description of the land by them appraised; and upon payment of such damages, with the costs and charges of such appraisal, (said Commissioners being allowed three dollars per day each) by said Company, or upon depositing in either of the Banks of said County of Rutland the amount of such damages, costs and charges to the credit of the person to whom said Commissioners have awarded the same, and giving such person notice thereof, said Company shall be deemed to be seized and possessed of such land or real estate so appraised by said Commissioners. And in case the owner of any land or real estate taken by said Company shall be a married woman, infant, idiot, or insane, or shall reside out of this State, then said Company shall cause such damages to be determined in the manner above prescribed, and shall pay such damages to such last mentioned owners whenever the same shall be lawfully demanded, with the interest thereof, which amount and interest shall be a specific lien on the real estate of said Company, and shall be preferred to any other demand against said Company.

SEC. 8. Should the Company, or the owner of any land or real estate, feel aggrieved by the decision of said Commissioners, either party may, within ninety days from the making of said decision and notice thereof, or from the removal of the disabilities mentioned in section seven; or from the return of such non-resident to this State, appeal to the County Court to said County of Rutland, and the decision of said Court shall be final thereon; and said Court shall tax costs for or against either party, as shall be just and equitable.

SEC. 9. Said Company may take toll for their sole benefit for all passengers and property transported on said road at such rates per mile as may from time to time be established by the board of Directors; and all matters in relation to the construction of carriages and the transportation of passengers and the property upon said road shall be under the direction of said Board of Directors: *Provided*, that the Supreme Court, at any stated session thereof, in the County of Rutland, upon the application of ten freeholders



in any town or towns through which said road may pass, may alter or establish the rates of toll upon said road, for any time, not exceeding ten years at any one time, and in such manner that said Company shall not receive less than ten per cent on the capital stock, together with all charges and expenses of said Company.

SEC. 10. The Board of Directors may erect toll-houses and demand and receive toll upon said road, when finished; and said Company shall keep true accounts of all expenditures made in constructing said road and keeping the same in repair, and also of all moneys received for tolls, or from other sources of profit, and the books of said Company shall at all times be open to the inspection of any committee of the Legislature, or of the Supreme Court, who may examine any officer of said Company, under oath, relative to the receipts and expenditures of said Company.

SEC. 11. If any person shall wilfully, maliciously, or wantonly obstruct the passage of any carriage on said road, or in any way injure or destroy said road, or any part thereof, or anything belonging thereto, or any implement or material to be employed in the construction of said road for the use of the same, he and every person aiding or abetting therein, shall forfeit and pay to said Company for every such offence, treble the amount of damages found by any justice, court or jury before whom trial shall be had; and the person so offending shall be liable to indictment by the grand jury for said Rutland County, and on conviction thereof shall pay a fine not exceeding one hundred dollars to the use of the State.

SEC. 12. If said railroad shall cross any private way, the Company shall so construct the same as not to obstruct the safe and convenient use of such private way; and if it shall not be so constructed, the party aggrieved shall be entitled to an action on the case, in any court proper to try the same, and shall recover reasonable damages for such injury, and if said railroad shall cross any highway it shall be so constructed as not to impede or obstruct the safe and convenient use of such highway, and said Company may raise or lower such highway or private way so that said railroad may pass over or under the same, and if said com-



pany shall raise or lower any highway or private way, and shall not do the same to the satisfaction of the selectmen of the town in which such highway or private way is situated, such selectmen may require in writing of said Company such alteration or amendment as they may think necessary; and if the same be reasonable and proper, and the Company unreasonably neglect to make the same, such selectmen may proceed to make such alteration or amendment, and may prosecute to final judgment and execution, in any court proper to try the same, any action of the case against the said Company, and shall therein recover reasonable damages for all charges, payments, labor, and services occasioned by making such alteration or amendment with costs of suit; and if said railroad shall cross any stream or water-course, said Company may construct their road upon or across the same: *Provided*, said Company shall restore said stream or water-course to its former state, or in such manner as not to impair its usefulness; and said Company shall maintain a sufficient fence on each side of said road through its whole length; *Provided*, that nothing in this act shall be so construed as to prevent the crossing of said road with teams or otherwise in such manner as not to injure said road.

SEC. 13. The Board of Directors may require the payment of the sums subscribed to the capital stock, at such times, and in such proportions as they may think just, under the penalty of forfeiting all previous payments thereon, giving notice of the time and place of such payments thirty days previous thereto, in some newspaper printed in Rutland County, and by letter through the post office to each stockholder.

SEC. 14. The Commissioners named in section four may at the time of subscription to the capital stock require such portions of the stock to be paid in cash as they may deem proper.

SEC. 15. The said Corporation may contract with any other railroad company which has been or may hereafter be created by the Legislature of this State or of the State of New York, whose road may enter or be connected with the road of this Cor-

poration, to do and perform all the transportation of persons and property upon and over said road or roads, upon such terms and conditions as may be mutually agreed upon by the parties respectively. *Provided* That the company to which the road of this Corporation may be sold, or leased, or with which the stock of this Corporation may be consolidated, shall be subject to the provisions of this act, so far as the public rights respecting said road are concerned.

SEC. 16. This Corporation may unite with the Rutland and Whitehall Railroad at Castleton, at the point of terminus of said road, and also connect with the Rutland and Washington Railroad at any convenient point in the town of Castleton; and may also enter upon the road of the Rutland and Burlington Railroad Company at any convenient point in Rutland, this Corporation paying for the use of said last mentioned road, or any part thereof, such toll or compensation as the respective parties may agree upon; and in case of their disagreement such toll or compensation as the Legislature may prescribe, and submitting to such rules and regulations of the Company owning such road, as to give no unreasonable advantage of one corporation over the other.

SEC. 17. This Corporation may extend a branch or branches of this said road to the quarries and mills for sawing marble in the town of Rutland, and in the construction of said road and said branch or branches may cross, if necessary, the road of the Rutland and Washington Railroad Company.

SEC. 18. Said Corporation shall be required to transport upon the said road the United States Mail by their regular trips, and in case of any disagreement between said Corporation and the general government touching the compensation for the same, the Supreme Court of this State shall, on application of either party, define and establish the rates of compensation, which rates shall be binding upon the parties until altered by said court upon similar application.

SEC. 19. Books of subscription for the capital stock of said

Corporation shall be kept open at least ten days, by the Commissioners named in section four; and if at the expiration of ten days from the time such books are opened the sum of fifty thousand dollars of such capital stock shall have been subscribed, said Commissioners may close said books and proceed to organize the Corporation agreeably to the provisions of this act; and said books shall thereafter be re-opened by said Commissioners, giving notice thereof, agreeably to the provisions of this act, until the whole of said capital stock shall be subscribed for; *Provided*, that in case the whole of such capital stock shall be subscribed for at the expiration of the said ten days said Commissioners shall not be required to re-open said books.

SEC. 20. Said Corporation shall cause seasonable and proper notice to be given of the approach of any locomotive engine upon this road to the place where said road crosses any turnpike, highway or private way, upon the same level with said road, and shall cause suitable signs to be placed across each highway or turnpike, where the same is crossed by said railroad upon the same level therewith; and said Corporation shall be liable for any damages sustained by any person by reason of the neglect of the provisions of this section, to be recovered in an action on the case by the person sustaining such damage.

SEC. 21. *Provided, however*, that the Rutland and Washington Railroad Company or the parties operating such railroad, in case they cannot agree with the Rutland & Whitehall Railroad Company, or the parties operating that railroad, on the terms, manner and times of the connection of such railroads, or the division between said companies or parties of the compensation for the carriage of freight or passengers carried upon both of said roads, may apply to the Supreme Court at any term thereof in any County, within sixty days, after the date of the approval of this act, upon due notice to the Rutland and Whitehall Railroad Company, and the parties operating that railroad, for the appointment of three disinterested commissioners to fix, settle and determine the terms, manner and times of such con-



nection, the rule of division of the compensation for the carriage of freight and passengers above-named. And it is hereby made the duty of such court on such application, to appoint such commissioners, and the award and decision of such commissioners when approved by such court, may be enforced by such court by the ordinary process of the court of chancery, and the said court may issue, at any term thereof in any county, all proper and necessary orders to carry such award and decision into effect.

Such award and decision, when approved by the Supreme Court, shall be binding on said Companies and all parties operating said railroads, until modified by a new board of commissioners appointed in the manner aforesaid, upon the application of either party, which modified award, when approved by the Supreme Court, may be carried into effect and enforced in the manner above provided, but no such award either original or modified, shall be altered by any board of commissioners within one year after the time it shall have been approved and put in operation by such court.

And if such companies or parties operating such railroads shall agree upon the aforesaid matters of dispute between them, or if in the event of their failure to agree thereon, the same shall be settled and determined by the award of commissioners to be appointed as aforesaid, which award shall be made as soon as practicable, not to exceed four months after their appointment, then and in that case, the preceding section of this act shall be void and of no effect.

The said board in fixing on the terms of connection and doing business between said parties shall have reference to the acts creating said corporations, and their business connections, and all the provisions thereof that have a bearing on this subject. The fees and expenses of such commissioners shall be borne by either or both parties as the court may determine.

SEC. 22. This Corporation shall be subject to all the duties, liabilities, restrictions and provisions, which are now or may here-

after be, established by or contained in any general law of this State, applicable to railroads.

SEC. 23. This act shall take effect from its passage.

Approved, November 29, 1862.

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# No. 60.—AN ACT TO INCORPORATE THE PEOPLE'S GAS LIGHT COMPANY.

## SECTION

1. Corporators. Name, powers, and purposes of Corporation.
2. Regulations in relation to laying pipes in the streets, &c.

## SECTION

3. Of the organization and management.
4. Act takes effect from its passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Horace G. Clark, Z. V. K. Wilson, John B. Page, Frederick Chaffee, George H. Palmer, Ben. K. Chase, William S. Nichols, John W. Cramton, their associates and successors are hereby constituted a body politic and corporate by the name of the "People's Gas Light Company," and by that name may have perpetual succession, may sue and be sued, may have a common seal, and the same alter at pleasure, and shall have power and authority to construct the necessary buildings and apparatus to manufacture gas, and to manufacture and sell the same for the purpose of lighting the streets, buildings, manufactories and other places in the town of Rutland; and may make all contracts to carry into effect the objects of said Corporation, and may hold sufficient real and personal estate to effect the purposes aforesaid.

SEC. 2. The said Corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors in the streets, alleys, lanes, avenues and public grounds in said town of Rutland, and to do all things necessary to light said streets, and the dwellings, stores and other places situated therein; *provided* the public travel shall not be unnecessarily impeded during the construction of their said works, and *provided* also that no private property shall be taken for the purposes aforesaid, without the consent of the owner.

SEC. 3. In organizing and managing the said Corporation, the same shall have the same powers and be under the same liabilities as are given and provided in the 83d and 85th chapters



of the Compiled Statutes, in regard to other Corporations and Associations.

Sec. 4. This act shall take effect from its passage.

Approved, November 27, 1862.

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No. 62.—AN ACT TO INCORPORATE THE RUTLAND WOOLEN MANUFACTURING COMPANY.

## SECTION

1. Corporators. Name and powers of Corporation.
2. Capital stock, how divided. Capital stock may be increased.
3. Half of capital stock to be subscribed before Company shall organize. No debts to be contracted until half of subscription be paid in. No part of capital to be withdrawn.
4. First meeting.

## SECTION

5. Officers. Term of office.
6. Company may have a common seal. May make by-laws, &c.
7. Indebtedness of Company limited. Liability of stockholders and Directors.
8. Act under the control of the Legislature, and subject to general laws.
9. Act takes effect from its passage.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. John B. Page, John W. Cramton, H. Henry Baxter, William Y. Ripley, S. M. Dorr, J. Gould, Frederick Chaffee, Horace G. Clark, their associates and successors are hereby constituted a Corporation for the purpose of manufacturing woollen goods, in the town of Rutland in the County of Rutland, and for vending the same, by the name of the Rutland Woollen Manufacturing Company, and by that name may sue and be sued, may purchase, hold and convey real and personal estate, so far as shall be necessary for carrying on the business mentioned in this act, and shall be vested with all the rights, powers and privileges incident to corporations for the purposes aforesaid.

SEC. 2. The capital stock of said Company shall be one hundred thousand dollars, and the shares thereof shall be fifty dollars each, and said Company shall have power to increase the same from time to time to an amount not exceeding fifty thousand dollars, agreeably to the votes and by-laws of the said Company.

SEC. 3. Said Company shall not organize until one-half of its capital stock shall be subscribed, and fifty per cent of its capital so subscribed shall be paid in before it shall contract any debts; and no part of the capital stock so paid in shall be withdrawn or in any manner diverted from the business of said Company.

SEC. 4. The first meeting of said Company shall be holden at Rutland at such time and place as may be named, and called by two or more of the persons named in this act, by giving six days notice to all the corporators and stockholders, either in writing or by publication in a newspaper printed in said Rutland.

SEC. 5. The officers of said Company shall consist of a President, Clerk, Treasurer, and three or more Directors, and such other officers as it may deem expedient, and such officers shall hold their offices for such time as said Company shall provide by its by-laws, and until others shall be chosen, qualified and accept the same.

SEC. 6. Said Company may have a common seal, and shall have power to make, alter, amend, or repeal all such by-laws, rules and regulations as may be deemed necessary to carry out the provisions of this act, not repugnant to the Constitution and Laws of this State or of the United States.

SEC. 7. This Company shall not at any time contract debts exceeding in amount [of] three-fourths of its capital actually paid in, and if such indebtedness shall exceed that amount the stockholders and directors shall be personally holden to the creditors of the Company to the amount of their respective stock.

SEC. 8. This act shall be under the the control of any future Legislature to alter, or amend, or repeal, as the public good may



require, and subject to any general laws applicable to similar corporations.

SEC. 9. This act shall take effect from its passage.

Approved, December 2, 1862.

ACTS AND RESOLVES  
PASSED BY THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT,  
AT THE  
ANNUAL SESSION, 1867.



PUBLISHED BY AUTHORITY.

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MONTPELIER:  
FREEMAN STEAM PRINTING ESTABLISHMENT.  
1867.

No. 81.—JOINT RESOLUTION RELATIVE TO THE  
ESTABLISHMENT OF A LINE OF MAIL STEAM-  
SHIPS TO LIBERIA.

WHEREAS, The Legislature of Vermont did, at its session of 1850, adopt a joint resolution in favor of a line of mail steamships between the United States and Africa ;

WHEREAS, From the growth of Liberia since that period, facilities for regular and frequent communication with this country have become more necessary than at any former time, and the American Colonization Society, which has furnished these facilities thus far, is no longer able, unaided, to meet the demands made upon its resources ; and

WHEREAS, As an act of justice and good faith to a large number of colonists from our shores in a distant land, as a means of extending our commerce in the tropical productions of the South, and for the relief of such of the colored population of the United States as may desire to emigrate to said country ;

*Be it resolved by the Senate and House of Representatives :*

That our delegation in Congress be requested to urge upon the attention of the Federal Government the speedy establishment of the said line of steamships.

JOHN W. STEWART,

*Speaker of the House of Representatives.*

STEPHEN THOMAS,

*President of the Senate.*

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## No. 97.—AN ACT TO INCORPORATE THE PINE HILL AQUEDUCT COMPANY.

## SECTION

1. Corporators; name; purpose.
2. First meeting, how called; by-laws; capital stock; may levy and collect assessments; other powers guaranteed.
3. Right to take and convey waters guaranteed, upon certain conditions.
4. May enter upon and take posses-

## SECTION

- sion of lands necessary for the construction and repairing of the aqueduct, upon certain conditions.
5. Malicious injury to property, how punished.
6. Subject to general laws and future legislation.
7. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. John Cain, Daniel Verder, L. T. Lawton and George C. Bidwell, their associates and successors, are hereby constituted a body corporate, by the name of the Pine Hill Aqueduct Company, with the powers incident to corporations, and may hold real and personal estate, not exceeding fifty thousand dollars in value, for the purpose of constructing and maintaining an aqueduct to supply the inhabitants living in and near the village of Rutland, with water for domestic and other purposes.

SEC. 2. Any three of said corporators may call the first meeting of the corporation, to be held in the village of Rutland, at such time and place as they shall appoint, at any time within one year from the passage of this act, by posting a written notice thereof at two public places in said village, at least five days prior to said meeting, for the purpose of choosing such officers as may be deemed necessary; and said corporation at any meeting legally notified, may make, alter and repeal such by-laws, rules and regulations as may be deemed necessary, not repugnant to the laws of this State, and may fix the amount of their capital stock and divide the same into as many shares, and may increase the same from time to time to an amount sufficient to carry into effect the

objects of this act, and may provide for the sale and transfer of said stock, and may levy and collect assessments on said shares according to law, and fix the rates of rents, and the same alter at pleasure, and shall have the power to sue for and collect said water rents, when necessary.

SEC. 3. The said corporation may take the waters of such fountains, brooks and springs as they may purchase of the owners for that purpose, and may dig up and open any street, common or highway for the purpose of constructing, and laying down or repairing such aqueducts or reservoirs connected with the same; provided, the same be done in such a manner as not to disfigure or injure said street, common or highway, and be completed in a reasonable time; and in all cases where said corporation shall lay or repair any of their logs or pipes in any enclosed lands they shall pay all damage done to crops thereon, and leave the surface of said lands as near as may be in as good condition as before laying or repairing said logs or pipes.

SEC. 4. The said corporation may enter upon and use any land or enclosure, through which it may be necessary for said aqueduct to pass on the most practicable route from where its waters may be taken, for the purpose of placing such reservoirs and pipes as may be necessary for constructing, completing and repairing said aqueduct, and may agree with the owner or owners thereof for the use of the same; but in case of disagreement, or if any owner thereof be a minor, insane, or out of the State, or otherwise incapacitated to sell and convey, said corporation, or the owner, or persons interested in lands so entered upon, may apply to the judges of the county court for the county of Rutland, by petition, who shall forthwith appoint three disinterested persons to view the premises and assess the damages sustained by the owners or occupants of said lands by the construction of said aqueduct, and said committee shall appraise such damages on oath and report the same to the county court for the

county aforesaid at its first session thereafter ; and if their report shall be accepted by said court, the court shall render judgment thereon, and may issue execution therefor with costs.

SEC. 5. Any person who shall maliciously disturb or injure said aqueduct, springs or reservoirs, or any works or enclosure connected with the same, shall be liable to be prosecuted by information, complaint or indictment ; and on conviction thereof, shall be fined not less than five dollars, nor more than twenty dollars, and costs of prosecution, and shall also be liable to said corporation for all damages.

SEC. 6. This act shall be subject to the provisions of chapter eighty-six of the General Statutes, entitled "Of private corporations," and may be altered, amended or repealed, as the public good may require.

SEC. 7. This act shall take effect from its passage.

Approved, October 29, 1867.



**No. 104.—AN ACT TO INCORPORATE THE RUTLAND BOOT AND SHOE COMPANY.**

**SECTION**

1. Corporators ; name ; purpose ; powers ; rights and privileges.
2. First meeting, how called ; by-laws ; capital stock.
3. Restriction of indebtedness ;

**SECTION**

- liability of directors and stockholders,
4. Subject to general laws and future legislation.
5. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

**SEC. 1.** Russell W. Farwell, George E. Graves, E. F. Sadler, Wm. D. Goodnow, F. A. Shattuck and J. C. Dunn, their associates and successors, are hereby constituted a corporation, by the name of the Rutland Boot and Shoe Company, with all the powers, rights and privileges incident to corporations, for the purpose of manufacturing, buying and selling boots and shoes of any kind or description, and for such other manufacturing purposes or business as the corporation may at any time deem expedient for the successful prosecution of the business aforesaid, and they may purchase, hold, mortgage and convey such real and personal estate as may be required for the business of said corporation.

**SEC. 2.** The first meeting of said corporation shall be held at such time and place as shall be agreed upon by a majority of the persons named in this act ; and at said meet-

ing and all other legal meetings, said corporation may make, alter and repeal such by-laws, rules and regulations for the management of the business of said corporation as a majority vote may direct, not repugnant to law; and may fix the amount of their capital stock, and increase the same from time to time, and divide the same into as many shares, and provide for the transfer thereof, as they may from time to time deem expedient; provided, that the capital stock shall not be less than ten thousand dollars, nor exceeding one hundred thousand dollars.

SEC. 3. Said corporation shall not contract any debts at any time to an amount exceeding three-fourths of the capital stock actually paid in; and if the indebtedness of said corporation shall at any time exceed the amount aforesaid, the directors and stockholders shall be personally liable for such excess to the creditors of said corporation.

SEC. 4. Said corporation shall be subject to all the provisions of chapter eighty-six of the General Statutes, relating to private corporations; and shall at all times be under the control of the Legislature to alter, amend or repeal, as the public good may require.

SEC. 5. This act shall take effect from its passage.

Approved, November 19, 1867.

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NO. 112.—AN ACT TO INCORPORATE THE RUTLAND COUNTY FISH BREEDING ASSOCIATION.

## SECTION

1. Corporators; name; purpose; powers, rights and privileges.
2. First meeting, how held; by-laws; capital stock.
3. After first meeting, members may vote by proxy.

## SECTION

4. Limitation of indebtedness.
5. Subject to general laws and future legislation.
6. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. M. Goldsmith, Martin G. Evarts, Wm. Y. W. Ripley, W. C. Clement, W. G. Veazey, John B. Page, George A. Merrill, John Pierpoint, T. W. Park, J. D. Green, Wm. Gilmore, H. H. Baxter, Levi G. Kingsley, Charles Sheldon, A. F. Davis, A. L. Miner, John Howe, Dugald Stewart, and their associates and successors, are hereby constituted a corporation and body politic, by the name of the Rutland County Fish Breeding Association, with all the powers and franchises incident to corporations, for the purpose of breeding, raising and growing trout and other fish in Rutland county, and for the transaction of such other business as may be incidental thereto; they may purchase,



hold and convey such real and personal estate as said corporation and its directors may deem desirable.

SEC. 2. The first meeting of said corporation shall be held at the Bardwell House in Rutland, Vermont, on the second Monday after the passage of this act, at seven o'clock P. M., and nine of the corporators named in this act shall constitute a quorum for the organization of this association, and at such meeting and all other legal meetings, said corporation may make, alter and repeal such by-laws, rules and regulations for the management of the business of said corporation, as a majority vote may direct, not repugnant to law, and may fix the amount of their capital stock, and divide the same into as many shares and provide for the transfer thereof, as they may from time to time deem expedient, and may increase the same at any time by a vote of a majority of the stockholders.

SEC. 3. At such and every meeting of said corporation after the first meeting, each member or stockholder may vote by proxy under such regulations as said corporation may, in its by-laws, provide.

SEC. 4. No debts shall be contracted beyond the paid-up capital of said corporation.

SEC. 5. This act shall be subject to the provisions of chapter eighty-six of the General Statutes, and shall be under the control of the Legislature to alter, amend or repeal, as the public good may require.

SEC. 6. This act shall take effect from its passage.

Approved, November 6, 1867.

## No. 117.—AN ACT TO INCORPORATE THE KILLINGTON HOTEL COMPANY.

## SECTION

1. Corporators; name; purpose;
2. Capital stock; by-laws.  
powers, rights and privileges.
3. First meeting, how called.
4. Subject to general laws and fu-

## SECTION

- ture legislation; restriction of indebtedness; liability of directors and stockholders.
5. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. George A. Merrill, John W. Cramton, Frederick Chaffee, William Y. W. Ripley, Ben K. Chase, Charles Sheldon, Rockwood Barrett, John Cain, Albert F. Davis, Amos C. Bates, Evelyn Pierpoint, their associates and successors, are hereby constituted a body politic and corporate, by the name of the Killington Hotel Company, for the purpose of purchasing, repairing or building a house or houses of public entertainment at Rutland, and on Killington Peak, and such places elsewhere as they may deem proper; and by that name may sue and be sued, may have a common seal, and purchase and hold real and personal estate, not exceeding one hundred thousand dollars, and shall enjoy all privileges incident to corporations.

SEC. 2. The capital stock of said company may be divided into as many shares, and be sold and transferred in such manner, and assessments made thereon, as said corporation may from time to time deem expedient; and said corporation may make all by-laws and regulations for the government of the same, not inconsistent with the constitution and laws of this State.

SEC. 3. George A. Merrill is authorized to call the first meeting of said corporation, by sending a written notice of the time and place of meeting to each corporator, six days prior to said meeting.

SEC. 4. This act shall be subject to the provisions of chapter eighty-six of the General Statutes, and under the control of any future Legislature ; and said corporation shall not contract any debts, until two thousand dollars shall be paid in ; and no debts at any time to a greater amount than three-fourths of the amount of the capital stock paid in, no part of which shall be diverted from the business of said company, and if at any time the indebtedness of said corporation shall exceed such amount, the directors and stockholders shall be personally liable for such excess.

SEC. 5. - This act shall take effect from its passage.

Approved, November 14, 1867.



# NO. 119.—AN ACT TO INCORPORATE THE WEST RUTLAND IMPROVEMENT COMPANY.

## SECTION

1. Corporators; name; purpose; powers, rights and privileges.
2. Capital stock; par value of shares.
3. First meeting, how called.
4. Right of improving the channel of Castleton river in Rutland, with a proviso.

## SECTION

5. Right to enter upon lands, to effect the purpose of the corporation, guarantied; in case of disagreement of damages therefor, parties may apply to the county court for redress.
6. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Lorenzo Sheldon, William F. Barnes, Rollin C. Thrall, John Hanley, Judson Gorham, Daniel Wing, and their associates and successors, are hereby constituted a corporation by the name of the West Rutland Improvement Company, for the purpose of draining such swamp or wet lands lying within the town of Rutland, as are traversed by Castleton river; and by that name may sue and be sued, hold personal and real estate, not exceeding twenty thousand dollars in value, and have all the rights incident to corporations.

SEC. 2. The capital stock of said company shall be such a sum, not exceeding twenty thousand dollars, as may be determined by said company, and shall be divided into shares of ten dollars each. No part of the capital stock of this company shall at any time be withdrawn, or in any manner diverted from the proper business of the company.

SEC. 3. Either of the corporators named in this act is hereby authorized to call the first meeting of said corporation, by notifying each of said corporators of the time and place of meeting, in writing, at least six days prior to said meeting.

SEC. 4. Said corporation may excavate, straighten,

widen, clear out and lower the channel of that portion of said Castleton river, lying within the town of Rutland, and may dig up and open any highway or railroad within said town, for the purpose of widening or straightening the channel of said river; provided, the same may be done in such a manner as not to prevent travel on such highway or the use of such railroad, and the same shall be left in as good condition as before.

SEC. 5. The said corporation may enter upon and use any land or enclosure lying within said town, through which said river runs, and use the same for the purpose of excavating, widening, straightening and lowering the channel of said river, and may agree with the owner or owners thereof for the use of the same and the right aforesaid; but in case of disagreement, or if any owner thereof be a minor, insane, or out of the State, or otherwise incapacitated to sell and convey, said corporation, or the owners or persons interested in lands so entered upon, may apply to the county court for the county of Rutland, by petition, for the appointment of commissioners to assess the damages; and said court shall appoint three disinterested persons, as commissioners, to view the premises, and assess the damages sustained by the owners or occupants of said lands, or both, as the case may be, and make report of their doings in the premises to said county court at the next term thereof; and if their report shall be accepted by said court, the court shall render judgment thereon and issue execution.

SEC. 6. This act shall take effect from its passage.

Approved, November 20, 1867.

Parks and Woolson Machine Shop Company," approved November 1, 1867, is hereby altered, and the corporation thereby made, shall be known and called by the name and style of the Parks and Woolson Machine Company.

SEC. 2. This act shall take effect from its passage,  
Approved, November 19, 1867.

# NO. 125.--AN ACT TO INCORPORATE THE ADAMS MANUFACTURING COMPANY.

## SECTION

1. Corporators; purpose; name, powers, rights and privileges.
2. First meeting, how called; by-laws; capital stock.
3. Restriction of indebtedness; lia-

## SECTION

- bility of directors and stockholders.
4. Subject to future legislation.
5. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Douglass R. Satterlee of Connecticut, James Adams and H. O. Brown of Castleton, in the State of Vermont, their associates and successors, are hereby constituted a corporation, for the purpose of quarrying, mining, manufacturing, buying and selling slate, marble, stone, wood and lumber, in the county of Rutland, by the name of the Adams Manufacturing Company; and by that name may sue and be sued, appear, prosecute and defend, in all suits and actions, may purchase, hold, mortgage and convey both real and personal estate, so far as shall be necessary for carrying on the business of the corporation; and shall be vested with all the rights, powers and privileges incident to corporations.

SEC. 2. The first meeting of said corporation shall be



held at such time and place as shall be designated by a majority of the persons named in this act; and at such meeting, and at any and all other legal meetings, a majority of said corporators may make, and having made, may alter, amend and add to such by-laws, rules and regulations, for the management of the business of said company, as shall be consistent with the laws of this State, and of the United States; may determine the amount of their capital stock, subject to the limitations of chapter eighty-six of the General Statutes, and divide the same into as many shares, and provide for the sale and transfer of the same, as such majority shall deem best; may order and direct, and levy assessments thereon, and may increase the said capital stock from time to time, whenever such majority shall deem it most conducive to the successful prosecution of the business of said company.

SEC. 3. No part of the capital stock shall be withdrawn or in any way diverted from the proper business of the company; and said corporation shall not at any time contract debts to an amount exceeding three-fourths of the capital stock paid in; and if at any time the indebtedness of said company shall exceed the amount aforesaid, the directors and stockholders of said corporation shall be personally liable for such excess to the creditors of said corporation.

SEC. 4. This act shall be under the control of any future Legislature to alter, amend or repeal, as the public good may require.

SEC. 5. This act shall take effect from its passage.

Approved, November 19, 1867.

withdrawn or in any manner diverted from the proper business of said company; and said corporation shall not contract debts at any time exceeding three-fourths of the amount of the capital stock actually paid in; and if at any time the indebtedness of said corporation shall exceed the amount aforesaid, the directors and stockholders of said corporation shall be personally liable for such excess to the creditors of said corporation.

SEC. 3. This act shall be subject to the control of future Legislatures, to alter, repeal or amend, as the public good may require, and to such general laws as are applicable to similar acts of incorporation.

SEC. 4. This act shall take effect from its passage.

Approved, November 1, 1867.

# No. 129.—AN ACT TO INCORPORATE THE SUTHERLAND FALLS MARBLE COMPANY.

## SECTION

1. Corporators; name; powers, privileges; purpose.
2. First meeting, how called; by-laws; capital stock.
3. May receive conveyance, &c., of property of Sutherland Falls Marble Company of Massachusetts.

## SECTION

4. Restriction of indebtedness; liability of directors and stockholders.
5. Each share of stock entitled to one vote.
6. To take effect; subject to future legislation and to general laws.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Elijah C. Emerson, George P. Davis, John D. Bryant and Josiah Gooding of Brookline, in the State of Massachusetts, Charles Barrett of Grafton, and John B.



Reynolds and George H. Osborne of Rutland, in the State of Vermont, their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Sutherland Falls Marble Company, and by that name may sue and be sued, may have a common seal, and the same may alter at pleasure, may hire or purchase with cash, stock or otherwise, such real and personal property and estate, rights, privileges and franchises as said corporation or its directors, if thereto authorized by the by-laws of said company, may deem desirable, and may hold, sell and convey, let, lease or improve the same, or any part thereof, as the business or benefit of said company may require; and shall have and enjoy all the rights, powers, privileges and franchises incident to corporations, for the purpose of mining or quarrying minerals, marble, limestone and other stones, and of manufacturing, buying and selling the same, of acquiring, using and leasing to others to use, water-power, steam or other power, and machinery therefor; and for such other purposes as said company may deem expedient, and for the transaction of such other business as may be incidental thereto.

SEC. 2. The first meeting of said corporation shall be held at such time and place as may be agreed on by a majority of the persons named in this act, and at said meeting or at any adjournment thereof, and at all other legal meetings of the stockholders, said corporation may make, and from time to time, alter and repeal such by-laws, rules and regulations for the management of the business and property of said corporation, not inconsistent with the constitution and laws of this State or of the United States, as a majority vote may adopt or direct, and may fix the amount of their capital stock and divide the same into such number of shares of such par value each, and provide for the transfer thereof, as they may deem expedient, and may increase the same from time to time, whenever a majority in interest of the



stockholders shall by vote decide so to do, and all stock issued by said corporation shall be deemed and taken to be full paid stock, and shall not be liable to assessment.

SEC. 3. The said corporation is hereby authorized to receive a conveyance from the Sutherland Falls Marble Company of the state of Massachusetts, of all the property, real and personal, rights, franchises and privileges of said last named company at Sutherland Falls, in the State of Vermont, or elsewhere, and to issue to said Sutherland Falls Marble Company of Massachusetts, or to the stockholders thereof, in exchange and payment for their stock in said company, and for their aforesaid property, rights and privileges, stock of the corporation hereby created to a like amount, at the par valuation thereof, with the present capital stock of said Sutherland Falls Marble Company of Massachusetts, that is to say, to the amount of three hundred thousand dollars.

SEC. 4. No part of the cash capital paid in shall be withdrawn, or in any manner diverted from the business of the company, while it shall continue to do business; and said corporation shall not contract debts or incur liabilities, exceeding in amount at any one time, three-fourths of the capital stock actually paid in, and if such indebtedness shall at any time exceed such amount, the directors and stockholders assenting thereto, shall be personally holden to the creditors of the company for such excess.

SEC. 5. At the stockholders' meetings of said corporation, all questions shall be determined by a majority of votes, counting one vote for each share represented, and absent stockholders may vote by proxy, duly authorized in writing, signed by the person or persons represented, or their duly constituted attorney therefor, and filed with the secretary or clerk.

SEC. 6. This act shall take effect from its passage, and shall be subject to the control of future Legislatures to alter,

amend or repeal, as the public good may require; and shall be subject to the provisions of chapter eighty-six of the General Statutes relating to private corporations.

Approved, November 21, 1867.

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NO. 130.—AN ACT IN RELATION TO THE CHITTENDEN MARBLE COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The Chittenden Marble Company, a corporation chartered by the Legislature of this State at its annual session in A. D. 1865, is hereby authorized to issue preferred stock to an amount not exceeding one hundred and fifty thousand dollars, in shares of twenty-five dollars each, or in such other sums as the company may deem expedient and may declare and provide for the payment of such dividends in excess of six *per centum, per annum*, as said company may deem expedient; and the action of the stockholders, at a meeting held on the 17th day of October, A. D. 1867, prescribing the terms and conditions upon which such preferred stock shall be issued, and the rights and privileges to which the same shall be entitled, is hereby declared legal and valid.

SEC. 2. This act shall take effect whenever all the stockholders shall have given their assent thereto.

Approved, November 14, 1867.



# NO. 137.—AN ACT TO INCORPORATE THE NORTH RUTLAND MARBLE COMPANY.

## SECTION

1. Corporators; name; purpose; powers, rights and privileges.
2. First meeting, how called; by-laws.
3. Capital stock; restriction of in-

## SECTION

- debtedness; liability of directors.
4. Subject to future legislation and general laws.
5. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. George C. Hathaway, D. B. Humphrey, William T. Davis and R. Barrett, and their associates and successors, are hereby constituted a corporation, by the name of the North Rutland Marble Company, for the purpose of quarrying, manufacturing, buying and selling marble, and by that name may sue and be sued, may have a common seal, and the same alter at pleasure may purchase, hold and convey real and personal estate, and may have and enjoy all the privileges incident to corporations.

SEC. 2. The first meeting of this corporation shall be held at such time and place as a majority of the corporators named, shall decide, notice thereof being given at least six days before said meeting, to all the corporators; and at such meeting and at all legal meetings, said corporation may make, alter and amend such by-laws, rules and regulations for the management of its business, as a majority of the stockholders shall determine, not inconsistent with the laws of this State or of the United States.

SEC. 3. This corporation may determine the amount of its capital stock, divide the same into as many shares, and provide for the sale and transfer thereof, as it may from time to time deem expedient, and may increase the same to an amount, not exceeding five hundred thousand dollars, as a majority of the stockholders may determine; provided, that said corporation shall not at any time contract debts exceed-



ing two-thirds of the capital stock actually paid in, and if at any time the indebtedness of said corporation shall exceed that amount, the directors shall be held personally liable for such excess to the creditors of the corporation.

SEC. 4. This act shall be subject to the control of future legislation, to alter, amend or repeal, as the public good may require, and also to the provisions of chapter eighty-six of the General Statutes relating to private corporations.

SEC. 5. This act shall take effect from its passage.

Approved, November 19, 1867.

No. 150.—AN ACT TO INCORPORATE THE RUTLAND POWER COMPANY.

## SECTION

1. Corporators ; name ; purpose ; powers, privileges.
2. First meeting, how called ; by-laws.
3. Capital stock ; restriction of in-

## SECTION

- debtedness ; liability of certain directors.
4. Subject to future legislation and general laws.
5. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. Rockwood Barrett, Walter C. Dunton, and George C. Hathaway, their associates and successors, are hereby constituted a corporation, by the name of the Rutland Power Company, for the purpose of erecting buildings, and leasing the same, furnishing the same with motive power ; also for the purpose of manufacturing, buying and selling articles, made wholly or in part, of wool, cotton, wood or metals ; and by that name may sue and be sued, have a com-

mon seal, purchase, hold and convey real and personal estate, and enjoy all the privileges incident to corporations.

SEC. 2. The first meeting of this corporation shall be holden at such time and place as a majority of the persons named in this act shall direct; and at such meeting, and at all legal meetings, may make and amend such by-laws and regulations for the management of the business of the corporation, as a majority of the stockholders may direct, not inconsistent with the constitution and laws of this State or of the United States.

SEC. 3. This corporation may divide their stock into shares, and provide for the transfer thereof, as the majority may direct; also, to increase the same to an amount not exceeding three hundred thousand dollars; provided, that no debts shall be contracted, exceeding in amount two-thirds of the capital stock actually paid in, and any director assenting to the creation of such indebtedness shall be held personally liable for the amount of such excess. No part of the capital stock shall be withdrawn or diverted from the proper business of said corporation.

SEC. 4. This act shall be subject to the action of future legislation to alter, amend or repeal, as the public good may require; and also be subject to the provisions of chapter eighty-six of the General Statutes, relating to private corporations.

SEC. 5. This act shall take effect from its passage.

Approved, November 21, 1867.



No. 155.—AN ACT AUTHORIZING THE BENNINGTON AND RUTLAND RAILROAD COMPANY TO CONSOLIDATE THEIR ROAD WITH THE ROAD OF THE LEBANON SPRINGS RAILROAD COMPANY.

## SECTION

1. Manner and terms of consolidation.
2. Agreement to consolidate must be ratified by three-fourths in

## SECTION

- amount of stockholders at legal meeting.
3. Consolidated railroad subject to general laws.
4. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The Bennington and Rutland Railroad Company are hereby authorized to consolidate their railroad with the railroad of the Lebanon Springs Railroad Company, a corporation in the state of New York, including the road of the company chartered by the Legislature of this State, as

the Vermont and New York Railroad Company, already consolidated with the Lebanon Springs Railroad, on such terms as may be agreed upon by the boards of directors of said companies. And the said Bennington and Rutland Railroad Company may make and issue such bonds, secured by mortgage on their railroad premises and other property, to be divided among the stockholders of said company, as may be agreed upon by said companies, in their agreement to consolidate, or as preliminary to such agreement; and said Bennington and Rutland Railroad Company, and the consolidated company, by their boards of directors, may pass all votes and by-laws, and make such agreements, deeds, releases, covenants and bonds as shall, by said companies respectively, be thought needful to the complete consolidation of said roads, and the equitable adjustments of their property, credits and obligations.

SEC. 2. No such consolidation as is mentioned in section one of this act, shall be made until the agreement to consolidate shall be ratified and confirmed by the votes of at least three-fourths in amount of the stockholders in said Bennington and Rutland Railroad Company, at a legal meeting thereof.

SEC. 3. In case of the consolidation of the roads mentioned in the first section of this act, so much of the consolidated railroad as shall be within this State, shall be subject to the general laws of this State, now in force or which may hereafter be enacted.

SEC. 4. This act shall take effect from its passage.

Approved, November 21, 1867.

No. 163—AN ACT TO AUTHORIZE THE RUTLAND RAILROAD COMPANY TO CHANGE THE PRESENT LOCATION OF THEIR ROAD IN AND NEAR VERGENNES, AND EXTEND A BRANCH THEREFROM TO THE LOWER FALLS IN OTTER CREEK.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The president and directors of the Rutland Railroad Company are authorized to so change the present location of their road in and near Vergennes, and to construct such branches therefrom to the falls of Otter Creek, in said city, as the interests of said corporation and the public may require.

Approved, November 20, 1867.



No. 172.—AN ACT TO INCORPORATE THE STEAM  
STONE CUTTER COMPANY.

## SECTION

1. Corporators; name; purpose; powers, privileges.
2. First meeting, how called; by-laws; capital stock.

## SECTION

3. Subject to general laws and future legislation.
4. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. George J. Wardwell, Thomas Nelson, George E. Royce, Charles Clark, John W. Cramton, Wilmot Williams, W. Oakley Ruggles, their associates and successors, are hereby constituted a corporation, by the name of the Steam Stone Cutter Company, and by that name may sue and be sued, may have a common seal, and may have and enjoy all the privileges incident to corporations, for the purpose of manufacturing, selling and leasing stone cutting machines for channeling or quarrying stone or other hard substances; also for selling rights to manufacture and sell the same, and for the transaction of any other manufacturing business and business incident to and connected therewith, not prohibited by the laws of this State; may purchase, hold, sell and convey real and personal estate, as the business of the corporation may require.

SEC. 2. The first meeting of such corporation shall be holden at such time and place as a majority of said corporators may designate, and at said meeting and all other subsequent meetings duly holden, said corporation may make, alter or amend such by-laws, rules and regulations for conducting its business as a majority may deem advisable, not repugnant to the laws of this State or the United States; may fix the amount of their capital stock and divide the same into as many shares, and provide for the sale and transfer of the same, as they may from time to time deem expedient, and may increase the same from time to time as a majority

of the stockholders shall decide. No part of the capital stock of said corporation shall at any time be withdrawn or in any manner diverted from the legitimate business of said corporation.

SEC. 3. The corporation shall be subject to the provisions of chapter eighty-six of the General Statutes, relating to private corporations; and shall also be subject to the action of future legislation to alter, amend or repeal, as the public good may require.

SEC. 4. This act shall take effect from its passage.

Approved, November 21, 1867.

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NO. 173.—AN ACT IN AMENDMENT OF AN ACT  
ENTITLED "AN ACT TO INCORPORATE THE  
STEAM STONE CUTTER COMPANY," AP-  
PROVED NOVEMBER, 1867.

*It is hereby enacted by the General Assembly of the  
State of Vermont:*

SEC. 1. Section two of said act shall be so amended as to read as follows:

The first meeting of said corporation shall be holden at such time and place as a majority of said corporators may designate; and at said meeting, and at all subsequent meetings duly holden, said corporation may make, alter or amend such by-laws, rules and regulations for conducting its business as a majority may deem advisable, not repugnant to the laws of this State, or of the United States; may fix the amount of their capital stock, and divide the same into as many shares, and provide for the sale and transfer of the

same, as they may from time to time deem expedient, and may increase the same from time to time as said corporation may decide. No part of the capital stock of said corporation shall at any time be withdrawn, or in any manner diverted from the legitimate business of said corporation. And upon all questions which shall arise for decision under this act, or any by-laws that may be made in pursuance thereof, each stockholder shall be entitled to cast one vote by himself or by proxy, for each and every share of stock he may hold in said corporation.

SEC. 2. This act shall take effect from its passage.

Approved, November 21, 1867.

# No. 174.—AN ACT TO INCORPORATE THE AMERICAN STONE CUTTER COMPANY.

## SECTION

1. Corporators: name; purpose; powers, rights and privileges.
2. First meeting, how called; by-laws; capital stock; restriction

## SECTION

- of indebtedness; liability of directors and stockholders.
3. Subject to general laws and future legislation.
4. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Sidney W. Rowell, Charles E. Minot, William P. Benton and E. H. Wright, their associates and successors, are hereby constituted a corporation, by the name of the American Stone Cutter Company; and by that name may sue and be sued, may have a common seal, and may have and enjoy all the privileges incident to corporations, for the purpose of manufacturing, selling and leasing the American Stone Cutting Machine; also for selling rights to manufac-



No. 210.—AN ACT PROVIDING FOR BUILDING  
JAIL IN THE COUNTY OF RUTLAND.

*It is hereby enacted by the General Assembly of  
State of Vermont:*

SEC. 1. C. M. Willard, Capen Leonard, Allen Whed  
J. W. Ainsworth and Ner P. Simons, are hereby appoin

commissioners, for the purpose of erecting and furnishing a jail at Rutland, in the county of Rutland, and said commissioners shall have the entire direction and supervision of the same, and are hereby authorized to contract for the building of the same, and to purchase all materials necessary for the building and furnishing; and in building the same may dispose of and sell the old jail and the lot on which it stands, or any part thereof, and may purchase a new site for said jail, and do as they may think the interests of said county may require. Said commissioners, if they shall sell any of the old jail or premises aforesaid, shall pay over the avails thereof to the treasurer of the county, and shall draw orders on said treasurer for all expenses incurred in the purchase of a site or in erecting and furnishing the new jail; and are authorized to borrow money on the credit of the county, not exceeding six thousand dollars in total amount.

SEC. 2. This act shall take effect from its passage.

Approved, November 21, 1867.

No. 214.—AN ACT LAYING A TAX ON THE  
COUNTY OF RUTLAND.

## SECTION

1. Tax of one cent on the dollar assessed; purpose.
2. Treasurer to issue warrants of collection.

## SECTION

3. Selectmen to make tax-lists for collection.
4. Tax to be collected and paid.
5. County funds, how disbursed.
6. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. There is assessed a tax of one cent on the dollar of the polls and ratable estate of the inhabitants of the county of Rutland, for the year 1867, for the purpose of paying the debts and liabilities of said county.

SEC. 2. The treasurer of said county is directed, on or before the first day of January, 1868, to issue his warrant to the first constables of the several towns in said county, for the collection of said tax, in the same manner as by law State taxes are required to be collected, and it shall be the duty of said constables to collect said tax in the manner aforesaid.

SEC. 3. The selectmen of the several towns in said county, shall make and deliver to the first constables of the respective towns, in the month of January, 1868, a tax-bill for the collection of said tax, in the same manner as required by law in the collection of State taxes.

SEC. 4. The money assessed by this act shall be paid into the treasury of said county, on or before the first day of June, A. D. 1868.

SEC. 5. The money so collected shall be paid out by the treasurer of said county in payment of the debts and liabilities of said county, as provided by law.

SEC. 6. This act shall take effect from its passage.

Approved, October 29, 1867.



NO. 2.—AN ACT TO ENABLE THE BENNINGTON  
AND RUTLAND RAILROAD COMPANY TO AID  
IN OBTAINING NECESSARY RAILROAD CON-  
NECTIONS.

## SECTION

1. Certain powers granted.
2. Empowered to issue bonds.

## SECTION

3. No contracts to be made until authorized by directors.
4. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The Bennington and Rutland Railroad Company are hereby authorized and empowered to subscribe for, purchase, or acquire the bonds of the Lebanon Springs Railroad Company, a corporation existing in the state of New York,

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or the bonds or stock of any other railroad company, now or hereafter organized, whose road may connect with the Bennington and Rutland Railroad, or with any railroad connecting therewith, in such manner and direction as to afford to said Bennington and Rutland road, communication by railroad with New York, Albany or Boston. And to hold, or to sell, assign, or dispose of such bonds or stock, upon such terms as they may think proper, and to guarantee the payment of such bonds, or of dividends on such stock, and to make any contract incident thereto.

SEC. 2. The said Bennington and Rutland Railroad Company are hereby further authorized and empowered to issue their bonds, at a rate of interest not exceeding seven per cent. per annum, payable semi-annually, and to execute a mortgage or deed of trust of their said railroad and franchise or other property, or to pledge the income thereof, either for the purpose of securing the payment of said bonds, or of securing the performance of any guarantee or contract that may be made by said company, as authorized by the first section of this act.

SEC. 3. No contract shall be made by said company under the authority conferred by this act, until such contract shall be authorized by vote of the directors of said company, and approved by a vote of three-fourths in amount of the stockholders of said company, at a legal meeting thereof.

SEC. 4. This act shall take effect from its passage.

Approved, March 28, 1867.

NO. 3.—AN ACT TO INCORPORATE THE RUTLAND RAILROAD COMPANY.

## SECTION

1. Corporators ; name ; purpose ; rights and privileges.
2. Capital stock, how raised.
3. Act not to take effect till certain conditions are complied with.
4. Commissioners ; subscriptions to stock, how received.
5. Duty of commissioners with regard to organization ; first meeting, how called.
6. Officers ; term of office.
7. Powers, rights and privileges same as now enjoyed by Rutland & Burlington Railroad Company and trustees thereof ; further powers thereby guaranteed ; liability of corporation.

## SECTION

8. Corporation may issue preferred or guaranteed stock in payment of prior claims ; said stock to bear seven per cent. interest, and shall take precedence of all other liabilities.
9. No preferred stock to be issued, except upon certain conditions ; liability of directors.
10. By-laws ; contracts for payment of liabilities of corporation may be made.
11. Preferred stock may be converted into common stock.
12. Subject to future legislation.
13. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. John B. Page, Edwin A. Birchard, Peter Butler, John B. Taft, James S. Whitney, Aaron B. Spencer, Frederick Chaffee and John S. Eldridge, bond-holders under the second mortgage or deed of trust on the Rutland and Burlington Railroad, in the State of Vermont, their associates and successors, are hereby incorporated under the name of the Rutland Railroad Company, for the purpose of holding, maintaining and operating the said railroad, and as such shall have succession and be entitled to all the rights and privileges of a corporation.

SEC. 2. The capital stock of said corporation shall be three millions of dollars, divided into shares of one hundred dollars each. And every holder of a bond secured by said second deed of trust or mortgage on said Rutland and Burlington Railroad, shall be entitled to surrender the same to said corporation, and to receive in lieu thereof one share of capital stock for each hundred dollars of principal and interest due on such bond.



SEC. 3. This act shall not take effect to incorporate said company unless the holders of three-fourths in amount of the bonds issued under said second mortgage shall, within four months after the passage of this act, surrender their bonds as hereinafter provided.

SEC. 4. John Prout and John Howe, Jr., are hereby appointed commissioners, whose duty it shall be to give public notice in one newspaper published in the city of Boston, and one newspaper published in each county through which such road runs, for three weeks successively, of the time and place when and where they will sit to receive subscriptions for the stock of said corporation in exchange for the bonds aforementioned. And the books for such subscription shall remain open at least ten days after the last publication of such notice. And said commissioners shall at the time and place appointed, proceed to receive such subscriptions, and to receive the bonds in exchange therefor. And no such subscription shall be received for a greater sum than the amount due as herein provided upon bonds under said second mortgage, actually deposited by the subscriber at the time of his subscription with said commissioners. And if the holders of three-fourths in amount of said bonds do not subscribe for such stock in exchange therefor, then said commissioners shall return to each subscriber the bonds so by him deposited.

SEC. 5. When the holders of three-fourths in amount of said bonds shall have subscribed for such capital stock, in exchange for said bonds in the manner herein provided, said commissioners shall certify the fact under their hands and seals, and cause such certificate to be recorded in the office of the Secretary of State. And said commissioners shall then call the first meeting of said stockholders for the organization of said company, to be holden at Rutland on some day by said commissioners to be designated. And ten days' notice shall be given by said commissioners of the time and

place of said meeting to each of said stockholders, either personally or by mail, properly directed and post paid.

SEC. 6. The officers of said corporation, who shall be chosen at said first meeting, shall be not less than five nor more than nine directors. And said directors shall elect one of their number as president, and shall appoint a treasurer and a clerk. And all said officers shall hold office for one year, and until others are duly elected or appointed in their stead.

SEC. 7. When said corporation shall have been duly formed and organized under the provisions of this act, it shall become vested with all the powers, rights, privileges and franchises for maintaining and operating said railroad, which were vested in and enjoyed by said Rutland and Burlington Railroad Company. And it shall be subject to like duties and liabilities. And shall likewise succeed to, hold and enjoy all rights, benefits, title and advantage derived or to be derived by the trustees of said second mortgage or deed of trust under any decree of foreclosure of the same, or of sale of said road and mortgaged property. And all rights, title and interest acquired by said trustees under any such foreclosure or sale shall vest in said corporation. And said corporation may at once take possession of and maintain and operate said railroad, subject to all existing rights of other parties, and may proceed in any manner it may deem expedient, either by purchase or otherwise, to obtain the title and ownership or the use and benefit of the whole estate, and to satisfy the interests or claims, undivided or otherwise, of any other party or parties interested in said railroad, or any part thereof. And until the interests of such other parties shall become vested in such new corporation, said corporation shall be the trustees thereof, and shall be accountable therefor as such.

SEC. 8. Said corporation shall be authorized, upon vote



of their directors, to issue a preferred or guaranteed stock, for the purpose of satisfying, paying or purchasing prior claims or incumbrances upon or interests in said road and property, and not exceeding in amount the amount justly due upon said prior claims or incumbrances. And such stock may be exchanged for such prior claims or incumbrances, upon such terms as may be agreed on. And said preferred or guaranteed stock, when so issued, shall be entitled to receive dividends from the earnings and income of said corporation at the rate of seven per cent. per annum, payable semi-annually, free of United States tax, before any other dividends shall be made therefrom. And said corporation shall pay and shall be liable to pay such dividends on said preferred stock semi-annually from their earnings or income. And until declared, interest shall be added to each dividend from the end of the half year when the same should be declared. And no dividends shall be paid on the common stock of said corporation until a dividend is made on said preferred stock, nor while any semi-annual dividend on said stock or interest thereon, herein provided for, remains undeclared. And no mortgage of said road and property, or any part thereof, shall be made by said corporation that shall take precedence of said preferred or guaranteed stock in the application of the income of said corporation.

**SEC. 9.** No preferred or guaranteed stock shall be issued by said corporation, unless an equal amount of claims or incumbrance on said road and property prior to that of said corporation shall be thereby satisfied, retired or exchanged therefor. And if any such preferred or guaranteed stock shall be issued in violation of the provisions of this section, the directors of said corporation shall be personally liable to any holder of such stock for such damages as he may sustain in consequence of such over issue.

**SEC. 10.** Said corporation shall be authorized and empowered to make any by-laws, not inconsistent with the pro-



visions of this act, nor with the laws of this State, and to make any and all lawful contracts touching the satisfaction, adjustment or payment of prior incumbrances on said road and property.

SEC. 11. Said corporation\* shall be authorized to make the preferred stock herein provided for convertible into common stock of said corporation, at the option of the holder.

SEC. 12. This act shall be subject to the action of any future Legislature to amend, alter or repeal, as the public good may require.

SEC. 13. This act shall take effect from its passage.

Approved, March 28, 1867.

NO. 12.—AN ACT TO INCORPORATE THE PEOPLE'S GAS-LIGHT COMPANY OF RUTLAND.

## SECTION

1. Corporators; name; purposes; powers, rights and privileges; with proviso.
2. Powers of corporation; with proviso.
3. Commissioners; capital stock; subscriptions, how received.
4. Management of company affairs, how vested; first meeting; officers, when chosen; annual meetings; elections, how made.
5. Conditions of organization.

## SECTION

6. Non-elections not to prejudice the rights of the corporation.
7. Powers and duties of officers.
8. Stock to be transferable.
9. Misdemeanors, how punished.
10. Books of record open to the inspection of stockholders.
11. Act to be deemed public.
12. Capital may be increased.
13. Subject to future legislation.
14. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Charles Sheldon, George A. Tuttle, John W. Cramton, Alonzo C. Bates, John B. Page and George A.

Merrill, and all and every person or persons who may become subscribers, according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of the People's Gas-Light Company of Rutland; and by that name they and their successors may have perpetual succession, and shall in law be capable of suing and being sued in any courts and places whatsoever, and may have a common seal and the same alter at pleasure, and by the said name the said corporation shall have power and authority to construct the necessary buildings and apparatus to manufacture gas, to be made of bituminous coal or other materials, to manufacture and sell the same, for the purpose of lighting the streets, buildings, manufactories and other places, situated in the village of Rutland, and to enter into and execute contracts, agreements and covenants in relation to the objects of this corporation, and of enforcing the same, and be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of the said corporation; provided, that the said real estate shall not exceed what may be necessary for the purposes mentioned, and no private lands shall be taken or appropriated without permission being first obtained in writing from the owner or owners thereof.

SEC. 2. The said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors, in the streets, alleys, lanes, avenues, or public grounds of the said village of Rutland, and to do all the things necessary to light the said village, and the dwellings, stores and other places situated therein; provided, that the public travel of said village shall at no time be unnecessarily



No. 14.—AN ACT TO ESTABLISH THE RUTLAND  
GRADED SCHOOL.

SECTION

1. Vote of special meeting hereby confirmed; certain school districts consolidated; name; disposition of property.

2. Officers, how elected; term of

SECTION

office; annual election, when held.

3. By-laws.

4. Public money, how divided.

5. Organization, how completed.

6. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The vote passed at a special meeting of the legal voters of the village of Rutland, held on the 20th day of February, A. D. 1867, whereby all the school districts in said village were consolidated into one school district, to be called the Rutland Graded School, is hereby legalized; and school district number eighteen, as originally constituted, and school districts, number nineteen, twenty, and number two, and the union district number one, in Rutland, are hereby constituted a school district of the town of Rutland, by the name of the Rutland Graded School; and the school property of the several forementioned districts, as they existed on the 20th day of February, 1867, aforesaid, of whatever character, shall become the general property of the graded school district, and all debts and liabilities of said districts shall be assumed and paid by the graded school district.

SEC. 2. Instead of the prudential committee required to be elected by law, and in place of the prudential committee already elected, said school district may elect one trustee for each ward in said district, as follows: One trustee for each of wards number one, three and six, for the term of one year each; for each of wards number two and four, for the term of two years each; and for each of wards number five and seven, for the term of three years each; and at all subse-

quent annual meetings to fill vacancies caused by the expiration of the term of office of each trustee, such vacancies shall be filled by the election of trustees for the term of three years each, and all vacancies caused by resignation, death, removal from the district, or other disqualifications, shall be filled for the unexpired term of such trustee only. Said trustees shall have all the powers and perform all the duties of a prudential committee. Said district may also elect a president and secretary of said board of trustees, who shall hold office for the term of one year, and until their successors are chosen; and said president and secretary shall act with and constitute a part of said board of trustees. The time of holding the annual elections shall be the same as now fixed by law for all school districts in the State, and the term of office of the trustees elected for the first year, as hereinbefore stipulated, shall expire on that day, or when their successors are elected. All other officers of said district shall be elected as is now prescribed by law.

SEC. 3. Said district may make such by-laws, rules and regulations, as it may deem expedient, not inconsistent with the laws of this State.

SEC. 4. In the distribution of the public moneys, that portion which is divided among the several districts, irrespective of the number of scholars or their attendance at school, shall be so divided as to give said graded district the same amount as it would be entitled to if the number of districts remained as it was before said consolidation.

SEC. 5. Said graded school district, at the adjourned meeting thereof, to be held on the 9th day of April, A. D. 1867, may complete the organization thereof by the election of such officers as are required by the provisions of this act.

SEC. 6. This act shall take effect from its passage.

Approved, March 28, 1867.

# ACTS AND RESOLVES

PASSED BY THE

## GENERAL ASSEMBLY

OF THE

## STATE OF VERMONT,

AT THE

### ANNUAL SESSION, 1868.



PUBLISHED BY AUTHORITY.

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MONTPELIER:

FREEMAN STEAM PRINTING HOUSE AND BINDERY.

1868  
Acts and Resolves 1868



No. 73.—JOINT RESOLUTION PROVIDING FOR THE  
TRANSMISSION OF A COPY OF THE GENERAL STAT-  
UTES TO THE CHEROKEE NATION.

*Resolved by the Senate and House of Representatives :*

That it is with great pleasure that they have this day received a copy of the laws of the Cherokee Nation, published in the English language, and that they recognize in this, marks of Indian civilization, the promise of an ultimate reconciliation of all the wild tribes of the Plains to the gentle restraints of law and order, and to a pursuit of the arts of peace ; and that the Governor be and is hereby requested to transmit to the Cherokee Nation, through Lieutenant S. R. Jocelyn of the Regular Army, a copy of the General Statutes of this State ; also a copy of this joint resolution.

GEORGE W. GRANDEY,

*Speaker of the House of Representatives.*

STEPHEN THOMAS,

Acts and Resolves 1868 *President of the Senate.*

No. 116.—AN ACT TO INCORPORATE THE STATE  
FIRE INSURANCE COMPANY.

SECTION

1. Corporators ; purpose ; name ; powers, rights and privileges ; with a proviso.
2. Value of shares of stock ; capital may be increased ; liability of stockholders.
3. Board of management, how elected ; meetings, how called ; shareholders may vote by person or proxy ; each share entitled to a vote ; location of office.
4. Quorum of directors, how constituted ; vacancies, how filled ; organization thereof, how made ; other officers.
5. Insurances on real or personal

SECTION

- property may be effected by perpetual or other policies.
6. Capital stock to be deemed personal property.
7. Commissioners named ; powers granted thereto ; meeting organization of company, how called ; restrictions upon insurance until certain conditions are complied with.
8. Annual statements shall be made to the Legislature, incorporating such facts as may be required therein ; stock to be exempt from taxation for five years ; act to be void under certain conditions.
9. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. Such persons as may hereafter become subscribers to the capital stock of the corporation hereby established, their associates, successors and assigns, are hereby constituted a body politic and corporate, for the purpose of making contracts of indemnity for loss or damage by fire, or of issuing policies of insurance against such loss or damage, by the name of the State Fire Insurance Company; and by that name, they and their successors, shall have perpetual succession, shall be and hereby are empowered to purchase, receive, hold, possess and enjoy, to themselves and their successors, lands, tenements and hereditaments, goods, chattels, stocks, bonds, choses in action, and real and personal property of every description necessary for the business of an insurance company; and also to sell, convey, grant and dispose of the same, to sue and be sued, plead and be impleaded in all courts of justice, to adopt a common seal, and the same to change at pleasure, and to enact and execute such by-laws and regulations as they may deem proper for the control of said company; provided, the same shall not be repugnant to the constitution and laws of this State, or of the United States.

SEC. 2. The capital stock of said corporation shall be divided into shares of twenty-five dollars each, and after the organization of said company, as hereinafter provided, may be increased to an amount not exceeding one million dollars, under such rules as the directors of said corporation prescribe; and no stockholder shall be responsible in his private capacity and estate for any debt or liability of said company, except in case of violation of this act, or of fraud, in either of which cases the person guilty thereof shall be personally liable to said corporation, or to the insured, as the case may be.

SEC. 3. All the affairs of said corporation shall be managed and controlled by a board of not less than seven, nor more than fifteen directors, of the number of said directors to



be determined by the by-laws of said company,) who shall be chosen by ballot solely from among and by the stockholders, and an election shall be held for the choice of directors on such day of January in each year, as shall be appointed for that purpose by the directors, of which said annual meeting of stockholders the directors shall give notice, at least ten days before the same is held, by an advertisement published in some daily newspaper issued in Rutland; and at the aforesaid election each stockholder may vote, in person or by proxy, and shall be allowed one vote for every share by him then held, and which shall have been held by him for one full month next preceding such election. The office of said company shall be kept in the town of Rutland, county of Rutland, in said State.

SEC. 4. The directors shall determine how many of their number shall constitute a quorum for the transaction of business, and may fill any vacancy in their board, which may occur between the annual meetings of the stockholders, by choosing a director or directors from among the stockholders, and the directors shall continue in office until their successors shall be chosen; and the directors shall elect from among their number a president and one or more vice presidents, and shall have power to establish such agencies in this State and elsewhere, and appoint secretaries and assistants, clerks, treasurers, agents, and other officers, as they shall deem necessary and convenient, and also to make such contracts and agreements as they shall deem expedient for the well-ordering of the affairs of said company.

SEC. 5. Said corporation may insure, by perpetual policies or otherwise, property, both real and personal, of every description whatsoever, against loss or damage by fire, and all the hazards of inland navigation, or marine disasters; which said policies, and all other contracts in writing of said corporation, may be made with or without the common seal of

said company, and shall be signed by the president or a vice president, and countersigned by the secretary of said company.

SEC. 6. The capital stock of said company shall be deemed personal property, and transferable according to the rules of said company.

SEC. 7. Levi G. Kingsley and Harrison Prindle are hereby appointed commissioners, for the purpose of receiving subscriptions to the capital stock of said company, and they are hereby authorized to receive such subscriptions at such time and place as they may appoint, and shall give such notice of the time and place of opening books of subscription as they may deem reasonable; and they are also authorized to keep such books open for the reception of subscriptions to said capital stock, and may adjourn the same, from time to time, for the space of two weeks, when they may call a meeting of the subscribers to said capital stock, to be holden in the town of Rutland, at such hour and on such day as they may deem expedient, when such company may organize by the election of a board of directors. The capital stock of said corporation shall be paid in, in cash, at the time of the subscription thereof, and upon the organization of said company, the same shall be delivered by the commissioners to the board of directors. The directors chosen at the said meeting of the subscribers to the capital stock, shall hold their offices until the first annual meeting thereafter, as herein provided, but said company shall make no contracts of insurance until one thousand shares of the stock of said company shall be subscribed for and paid in, in cash.

SEC. 8. The said corporation shall annually, in the month of January, make a return to the Legislature of this State, and transmit a full, true and exact statement, under oath of the president and secretary, of all their affairs, including investments, losses, expenses, and any further information

which the Legislature shall require ; and the shares of stock in said corporation shall be exempt from taxation, under the laws of this State, for the period of five years from the time said corporation commence making contracts of insurance and, unless said corporation shall fully organize and commence the business of insurance within five years from the time this act takes effect, then this act shall be null and void and the powers hereby granted shall cease, and the business of said corporation shall be conducted subject to the provisions of any act or acts of the Legislature of this State, relating to the subject of insurance.

SEC. 9. This act shall take effect from its passage.

Approved, November 10, 1868.

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SEC. 10. This act shall be under the control of the Legislature to alter or control.

SEC. 11. This act shall take effect from its passage.

Approved, November 21, 1868.

**No. 137.—AN ACT AUTHORIZING THE BENNINGTON AND RUTLAND RAILROAD COMPANY TO EXTEND THEIR RAILROAD TO WEST RUTLAND.**

**SECTION**

1. Bennington and Rutland Railroad authorized to extend its road from Rutland village to West Rutland, with branches to the marble quarries in said West Rutland; further powers, rights and privileges.
2. Said road may, by agreement, use a portion of the Rutland Railroad and commence the extension and branches guaranteed herein, at some point on said Rutland Railroad near Rutland Centre.
3. Surveys authorized to be made and land taken for track; designated line of location to be recorded in the town clerk's office of Rutland.
4. Right to cross the track of the Rutland and Washington Railroad guaranteed upon such terms as may be agreed upon by parties in interest; in case of disagreement as to such terms, commissioners to be appointed to adjust such damages; proviso.
5. Limitation of time, as to chartered rights.
6. Right to use the track of extension by the Rutland Railroad Company guaranteed.

**SECTION**

7. Until the building of said extension, right to use the Rutland and Washington Railroad, guaranteed to the Rutland and Bennington Railroad Company.
8. Said right to be exercised by the Bennington and Rutland Railroad Company, under such reasonable rules as may be established by the Rutland and Washington Railroad Company; in case of dissatisfaction, the Bennington and Rutland Railroad Company may petition the Supreme Court for the appointment of commissioners to establish said rules.
9. Petition served upon the adverse party as the judge of said court may direct.
10. Commissioners so appointed to give twelve days' notice to parties in interest, of their hearing; report thereon to be made to court; notice of the time of rendering such report to be given to said parties.
11. Upon the coming of said re-

## SECTION

- port the court shall establish rules as recognized by this act.
12. Either party to apply to said court at any time, by giving notice to the adverse party.
  13. Bennington and Rutland Railroad Company to transport freight for the Rutland Railroad Company, upon request, at reasonable rates.
  14. Rutland and Washington Railroad, within thirty days, agreeing to haul freight for said Bennington and Rutland Railroad for five cents per ton, per mile, said Bennington and Rutland Railroad not to exercise the rights guaranteed in preceding sections.
  15. Either the Bennington and Rutland or the Rutland Railroad Company, becoming dissatisfied with the performance of the Rutland and Washington Railroad Company, may appeal to the Supreme Court for redress; action of court upon such hearing.
  16. Rules and regulations made and

## SECTION

- filed by the Rutland and Washington Railroad Company, not satisfactory, to be referred to the commissioners provided for in section ten.
17. Upon the report of said commissioners, the Supreme Court may establish and enforce such rules as shall be determined on.
  18. Rules and regulations made and filed by the Rutland and Washington Railroad being satisfactory, said rules to be established by the Supreme Court, with power of enforcement, as prescribed in section eleven, and modified as in section twelve.
  19. Act to be deemed a public act, and to be favorably construed.
  20. Subject to future legislation.
  21. Car loads, of ten tons each, to be transported by the Bennington and Rutland Railroad Company, either over the Rutland and Washington Railroad or over the extension, for fifty cents per ton.
  22. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The Bennington and Rutland Railroad Company, a company organized under the laws of this State, is hereby authorized to extend their railroad from some point on their railroad in the village of Rutland, to the village of West Rutland, with branches to the marble quarries and mills for sawing marble in said West Rutland, with the right of building a railroad and such branches with single or double track, and with the right to transport and carry persons and property on said railroad so to be built, by the power of steam or otherwise, and shall, for the purpose of building and operating such railroad and its branches, have all the rights incident to corporations.

SEC. 2. Said Bennington and Rutland Railroad Com-



pany, may, if they can make a contract with the Rutland Railroad Company to run over a portion of its railroad from the village of Rutland to some point on said Rutland Railroad, near Centre Rutland, build the extension to said West Rutland, with said branches, by commencing at any point on the Rutland Railroad within three miles of said village of Rutland, thence westerly by the most convenient route, to said West Rutland, and to said marble quarries and said mills.

SEC. 3. Said Bennington and Rutland Railroad Company may cause such examination and surveys of the line of said railroad, as it may deem necessary to be made, and after such examination and surveys, may locate their said road to said West Rutland, with its branches, taking and using such land as is actually necessary for the construction and convenient operation of said railroad, not exceeding five rods in width, and shall, by certificates under its corporate seal, designate the line or route on which they have so located said road, and shall cause the same to be recorded in the town clerk's office in said town of Rutland. Said Bennington and Rutland Railroad Company may, at any time, make such alterations in the route or location of said road or its branches, as they may deem necessary or expedient, always causing such alterations to be recorded in the town clerk's office in said town of Rutland.

SEC. 4. Said Bennington and Rutland Railroad Company may, in the construction and running said railroad and said branches, have the right to cross the track or roadway of the Rutland and Washington Railroad, and may lay its track on any portion of the roadway of said Rutland and Washington Railroad, on such terms as may be agreed upon with the owners of the Rutland and Washington Railroad; and if said Bennington and Rutland Railroad Company shall be unable to agree with the owners of the Rutland and Washington Railroad, as to the terms and conditions upon which



the track may be laid and the road run on the road bed of the Rutland and Washington Railroad, commissioners to be appointed to settle land damages under the General Statutes of this State, may fix the terms and conditions upon which said roadway of the Rutland and Washington Railroad may be used ; and the same proceedings shall be had in all respects as in cases for settling land damages under the Statute ; provided, that nothing herein contained, shall authorize the said Bennington and Rutland Railroad to so use the roadway of the Rutland and Washington Railroad as to interfere with the track of the Rutland and Washington Railroad, except as it may be necessary to cross said track.

SEC. 5. If said Bennington and Rutland Railroad Company shall not within five years from the approval of this act, or within two years after it shall cease running its cars over the Rutland and Washington Railroad, or after the managers of the Rutland and Washington Railroad shall cease to transport its cars as hereinafter provided, commence the construction of said railroad, and within one year thereafter complete and put in operation some portion of said railroad, then this act shall become void.

SEC. 6. In case the Bennington and Rutland Railroad Company shall construct a railroad as herein provided, the Rutland Railroad Company may enter upon and use said railroad with engines and cars, in connection with the Bennington and Rutland Railroad Company, paying the said Bennington and Rutland Railroad Company reasonable compensation therefor.

SEC. 7. Until the Bennington and Rutland Railroad Company shall have built and completed the extension of their road provided for in this act, they shall have the right and are hereby authorized to enter with their engines and cars upon the Rutland and Washington Railroad at the terminus thereof in Rutland village, and to use said railroad

and its branches, switches and turn-tables to transport marble from the quarries and mills for sawing marble at West Rutland, to Rutland village, and to and from all intermediate points and mills, and also to transport all other freight to and from the points above stated, paying the Rutland and Washington Railroad Company, or the managers or owners of the Rutland and Washington Railroad, for the use of said road two cents per ton per mile as toll upon all freight so transported thereon.

SEC. 8. The rights conferred upon the Bennington and Rutland Railroad Company by the foregoing section shall be exercised under such reasonable rules and regulations as may be established by the managers of said Rutland and Washington Railroad, and may be necessary to the safety of life and property, and to enable both the said parties properly to transact their business on said road; and if the managers of said Rutland and Washington Railroad shall omit, for the period of thirty days from the passage of this act, to make and furnish to said Bennington and Rutland Railroad Company in writing, such rules and regulations, or if the Bennington and Rutland Railroad Company shall be dissatisfied with the same when so made, the Bennington and Rutland Railroad Company may petition the Supreme Court at any regular session thereof in any county in the State, to appoint, and said court shall thereupon appoint, three commissioners to make and report such regulations.

SEC. 9. The petition aforesaid shall be served upon the adverse party at least twelve days before the session of the court to which it is returnable, and may be served in other respects in such manner as any judge of the Supreme Court to which said petition is presented may direct.

SEC. 10. The commissioners shall give twelve days' notice, to both said parties, of the time and place they may appoint for hearing; such notice to be served in such man-



ner as the said Court in the order appointing said commissioners shall direct, and shall proceed to hear said parties and their evidence, and shall make a written report to said Court, at any term thereof, in any county, giving notice to both parties of the term to which said report shall be made.

SEC. 11. On the coming in of said report said Court shall proceed to establish, by order or decree, the rules and regulations required by this act, and to enforce the observance of the same; and for the purpose of enforcing the same, said Court, or any judge thereof in vacation, shall be invested with full chancery powers.

SEC. 12. Either of said parties may apply to said Court, at any term thereof, upon the like notice hereinbefore provided, for any modification of said decree or order which may be rendered necessary or proper by any change of circumstances occurring after the making of such order or decree.

SEC. 13. In case the Bennington and Rutland Railroad Company enter upon and use the Rutland and Washington Railroad, as in this act provided, they shall, if called upon by the Rutland Railroad Company, transport any freight over said railroad, so entered upon and used by them, for said Rutland Railroad Company, for reasonable compensation for services thus rendered, which shall not exceed the cost to the Bennington and Rutland Railroad Company.

SEC. 14. Provided, that if the managers of the Rutland and Washington Railroad, within thirty days, shall offer to, and shall thereafter without unnecessary delay, haul such cars for the Bennington and Rutland Railroad Company as may be tendered from time to time by said company for that purpose, and also such cars for the Rutland Railroad Company as may be tendered from time to time by said company for that purpose, between Rutland village and the marble quarries and mills at West Rutland, and to and from inter-



mediate stations and mills, with or for marble or other freights, at the rate of five cents per ton per mile for all freights so hauled, then and in that case the Bennington and Rutland Railroad Company shall not exercise the rights and privileges granted in the preceding sections of this act.

SEC. 15. In case either the said Bennington and Rutland Railroad Company, or the Rutland Railroad Company, shall at any time be dissatisfied with the performance, by the managers of the Rutland and Washington Railroad, of the obligations and duties imposed by the preceding section of this act, the railroad company so dissatisfied may, upon the like notice to the managers of the Rutland and Washington Railroad, as is hereinbefore provided, make petition to the Supreme Court, at any sessions thereof, holden in any county, therein substantially setting forth the grievances complained of. And if, upon the hearing, the Court should be of opinion that the alleged grievances are not sustained, the said petition shall be dismissed, with costs. But if, upon the hearing upon said petition, the Court shall adjudge that the grievances so set forth in said petition, or any portion of them, have existed, and do exist, and that the managers of said Rutland and Washington Railroad neglect or refuse to do the business, as contemplated by the fourteenth section of this act, according to its true intent and spirit, then and in that case the Court shall make their order, that the managers of said Rutland and Washington Railroad, within a certain time to be fixed and limited by said Court, make and file with the clerk of said Court the regulations under which the company so preferring such petition, may enter upon and use said Rutland and Washington Railroad, with its engines and cars, as provided and contemplated by the provisions of this act.

SEC. 16. In case the rules and regulations so made and filed by the managers of the said Rutland and Washington Railroad, shall not be satisfactory to the party so preferring

said petition, or in case the said managers shall neglect to make and file such rules and regulations, the subject matter thereof may be brought before three commissioners, who shall have been appointed by said Court at the time of making said order, mentioned in the preceding section, the said commissioners to proceed to hear, determine and report the facts in the case, in the like manner and upon the like notice as is prescribed in the tenth section of this act.

SEC. 17. On the coming in of said report, said Court shall proceed in all respects as is provided and prescribed in section eleven of this act, and shall have the same powers as therein provided for enforcing their orders and decrees. And immediately upon the making of such order or decree, the railroad company so preferring said petition shall have the right to enter upon the said Rutland and Washington Railroad, with their engines and cars, for the purposes and under the limitations prescribed in this act, and subject to the rules and regulations thus established.

SEC. 18. In case the rules and regulations made and filed by the managers of the Rutland and Washington Railroad, in pursuance of the fifteenth section of this act, shall be satisfactory to the company so making petition as aforesaid, the said court shall proceed to establish them, by order or decree in the same manner and with the like power of enforcement, as is provided in the eleventh section, and subject to modification, as provided in the twelfth section of this act.

SEC. 19. This act shall be deemed and taken to be a public act, and shall be construed favorably and beneficially for all purposes for which the same is intended, and shall be subject to all general laws respecting railroad corporations, which have been or may hereafter be enacted, when the same are not inconsistent with this act.

SEC. 20. This act shall be under the control of the Leg-

No. 138.—AN ACT TO INCORPORATE THE KILLINGTON RAILROAD COMPANY.

## SECTION

1. Corporators; name; purpose; route; powers, rights and privileges.
2. Capital stock; par value of shares thereof.
3. Commissioners named to receive subscriptions.
4. Surveys and explorations may be made.
5. Two thousand shares of stock taken, notice shall be given for a meeting for choice of directors; meeting, how called; tenure of office.
6. Directors may locate said road,

## SECTION

- with a right to make such alteration as may be deemed expedient.
7. East terminus of road dependent upon certain conditions therein named.
8. Contracts for transportation of persons and property may be entered with any other road.
9. Limitation of time of construction.
10. Act to be deemed public.
11. Subject to future legislation.
12. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Such persons as shall hereafter become stockholders, are hereby constituted a body corporate, by the



No. 151.—AN ACT IN ADDITION TO AN ACT  
TO INCORPORATE THE WESTERN VERMONT  
SLATE COMPANY.

*It is hereby enacted by the General Assembly of the  
State of Vermont:*

SEC. 1. The Western Vermont Slate Company is hereby authorized, at any time within two years from the passage of this act, to sell or issue its bonds upon such terms, and payable at such times, as the said company, at a legal meeting called for that purpose, shall determine, for the purpose of discharging its debts and of raising money to carry on its business, and to secure the same by a mortgage on any or all the real and personal estate of said company, the amount of said bonds not to exceed in the whole fifty thousand dollars, and the same not to be sold or issued at a less rate than eighty cents on the dollar.

SEC. 2. This act shall take effect from its passage.

Approved, November 18, 1868.

**Acts and Resolves 1868**

name of the Killington Railroad Company, for the purpose of building a railroad, with a single or double track, commencing at some point at or near Healdville Station, on the Rutland and Burlington Railroad, in the town of Mount Holly, thence by the most convenient route through the towns of Mount Holly, Ludlow, Plymouth, Sherburne, Bridgewater and Woodstock, to connect with the Woodstock Railroad in said town of Woodstock, and with the right to transport and carry persons and property, by the power of steam or otherwise; and by that name may sue and be sued, may have a common seal, and shall have all the rights incident to corporations.

SEC. 2. The capital stock of said company shall be five hundred thousand dollars, which may be increased to such an amount as may be required to complete said road and furnish all necessary buildings, road-furniture, and other appurtenances needful or convenient for use of said road; and said capital stock shall be divided into shares of one hundred dollars each.

SEC. 3. George A. Merrill, John P. Hoskison, Alfred Crowley, James S. Brown, Daniel P. Wilder, Charles A. Scott, Eliakim Johnson, Charles S. Raymond, Julius Converse, shall be commissioners to receive subscriptions to the capital stock of said corporation, who shall open books therefor, at such times and places as they may elect, giving ten days' notice thereof by publication in one or more newspapers, in each of the counties of Rutland and Windsor.

SEC. 4. Said commissioners may cause such surveys and explorations to be made as they may deem expedient, and the expense thereof shall be paid by said corporation when organized.

SEC. 5. Said commissioners shall, as soon as two hundred shares of the capital stock of said company shall have been subscribed, proceed to give notice to the stockholders

of said company, for a meeting of said stockholders, for the election of five directors of said company, which notice shall be given by publication in one or more newspapers, printed in each of the counties of Rutland and Windsor, at least two weeks preceding the time fixed for said election; at which time and place said stockholders shall elect said directors. A new election of directors shall be made annually, at such time and place as said board of directors may direct, and said directors shall hold office for one year, and until others are elected.

SEC. 6. Said directors may cause such examinations and surveys of the line of said road as they may deem necessary to be made, and after such examinations and surveys, may locate their said road, not exceeding six rods in width, and shall, by certificates under their hands and seals, designate the line or route on which they have so located said road, and shall cause the same to be recorded in the several town clerks' offices, in the towns through which said road shall pass. Said directors may at any time make such alterations in the route or location of said road as they may deem necessary or expedient, always causing such alterations to be recorded in the town clerks' offices, in the towns where such alterations shall be made.

SEC. 7. In case the Rutland and Woodstock Railroad Company shall, within two years from the passage of this act, complete the construction of their road from a point known as West Bridgewater, thence through to the village of Woodstock, forming a connection with the Woodstock Railroad, now being built, in a location suitable, convenient or practicable for said Killington Railroad to make connections with at said West Bridgewater, or contract for its completion, agreeably to the terms of its charter, and expend at least fifty thousand dollars upon its construction, or shall, after the expiration of said two years, complete the construction of their road as aforesaid, from West Bridgewater



to Woodstock, as aforesaid, or contract for its completion, agreeably to the terms of its charter, before the corporation hereby created shall in like manner complete or contract for the completion of their said road from said West Bridgewater to the village of Woodstock, connecting with said Woodstock Railroad, then in that case the eastern terminus of the road of the Killington Railroad Company, hereby chartered, shall be at a point at or near West Bridgewater, so called, connecting with the road of the Rutland and Woodstock Railroad Company.

SEC. 8. Said corporation may contract with the managers of any railroad company to do and perform all the transportation of persons and property, upon and over their road, and may lease their road, and do such other things as may be necessary to build and run said road.

SEC. 9. If said corporation shall not, within six years from the approval of this act, commence the construction of said railroad, and shall not within ten years from said approval, complete and put in operation some portion of said railroad, then said corporation shall be dissolved, and this act become void.

SEC. 10. This act shall be deemed and taken to be a public act, and shall be construed favorably and beneficially for all purposes for which the same is intended, and shall be subject to all general laws respecting railroad corporations, which have been or may hereafter be enacted; provided, said corporation shall not be required to commence or complete their said road, except as provided in section nine of this act.

SEC. 11. This act shall be under the control of the Legislature to alter, amend or repeal, as the public good may require.

SEC. 12. This act shall take effect from its passage.

Approved, November 19, 1868.

No. 141.--AN ACT TO AUTHORIZE THE RUTLAND RAILROAD COMPANY TO LOCATE BRANCHES OF THEIR ROAD IN BRANDON, AND CONSTRUCT THE SAME.

## SECTION

1. President and directors authorized to locate branch roads in the town of Brandon.

## SECTION

2. Act to be deemed a public one; subject to general laws.  
3. Subject to future legislation.  
4. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The president and directors of the Rutland Rail-

road Company are authorized to so locate branches of their road, and to construct the same, as will connect with the marble quarries in the town of Brandon, as the interests of said corporation and the public may require.

SEC. 2. This act shall be taken and deemed to be a public act, and shall be construed favorably and beneficially for all purposes for which the same is intended, and shall be subject to any general law of the State respecting railroad corporations, which is now in force or may hereafter be enacted; and all the general laws of the State relating to railroad corporations shall be deemed and taken to be a part of this act.

SEC. 3. This act shall be under the control of the Legislature to alter, amend or repeal, as the public good may require.

SEC. 4. This act shall take effect from its passage.

Approved, November 19, 1868.



**NO. 177.—AN ACT TO ENABLE THE TOWNS IN THE COUNTIES OF ADDISON AND RUTLAND TO AID IN THE CONSTRUCTION OF THE ADDISON RAILROAD.**

**SECTION**

1. Certain towns authorized to aid in the construction of a railroad; may issue bonds therefor; amount of bonds not to exceed eight times the amount of grand list.
2. Method of rendering such aid defined.
3. Vote and assent to be recorded in the town clerk's office; certified copy thereof, and certificate

**SECTION**

- of compliance, to be recorded in Secretary of State's office.
4. Towns may issue bonds, with seven per cent. interest bearing coupons.
5. Selectmen or commissioners to act as agents for their respective towns in all matters pertaining to said railroad.
6. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

**SEC. 1.** Any town in Addison and Rutland counties, on the line of the Addison Railroad, or adjoining a town on the line of said railroad, may aid in the construction of said Addison Railroad, by subscribing to the stock in said road, or by issuing bonds to aid said road, or in such other manner as said town shall direct; provided, that no town shall assume any liability for said road, exceeding eight times the grand list of said town, at the time said aid is granted.

**SEC. 2.** Such aid shall be given in the following manner, to wit:

The selectmen of said town, on the application of ten or more legal voters of said town shall, within ten days after the receipt of said application, warn a meeting of the legal voters of such town, to be held at the usual place of holding town meetings in such town, which notice shall specify the time and place of the meeting, which shall not be more than twenty nor less than twelve days from the time of posting said notice; and the warning shall be sufficient, if it states the business to be done at said meeting is

to aid in the construction of the Addison Railroad; and if a majority of the votes given at said meeting shall be to aid said road, then the town shall fix the amount of aid to be given, and the terms thereof, and may appoint three commissioners, who shall be resident tax-payers of the town; and if no commissioners be appointed, the selectmen shall act as commissioners until commissioners shall be appointed by said town. Said commissioners or selectmen shall be duly sworn, and shall as soon as may be, prepare suitable books, in which said vote shall be set forth, in which the tax-payers of the town may sign their names, assenting to said vote; and the grand list of each person signing said assent shall be annexed to his name; and when a majority of the tax-payers of said town, both in number and amount of grand list, shall have signed the same, the same shall be binding on the town; provided, the signatures are procured within six months after the first signature to the paper is made; and all persons or corporations, liable to pay taxes, and all persons who shall be owners of real estate taxed at the time the assent is given, shall have a right to assent to said vote.

SEC. 3. The said vote and assent, when so signed as aforesaid, shall be duly certified by the commissioners or selectmen, and recorded by the town clerk, in the town clerk's office, at length, in the land records of said town, and a duly certified copy of the vote of the town, and the certificate of the commissioners or selectmen to the same, that the act has been complied with by a majority of the tax-payers, both in number and amount, who have duly signed the same, with the certificate of the town clerk that the same has been duly recorded in his office, shall be recorded in the office of the Secretary of State; and certified copies from either office shall be full proof in any court that the law has been complied with.

SEC. 4. Said towns may issue bonds, with coupons pay-

able semi-annually, at any rate of interest not exceeding seven per cent., for the purpose of aiding said road.

SEC. 5. The selectmen or commissioners aforesaid, as soon as the assent is given, and recorded as aforesaid, shall proceed to carry into effect the vote of said town, according to the terms and conditions thereof, and shall have power to vote and act for said town on all proper occasions, to carry into effect the votes aforesaid; and their votes and acts shall be binding on said town.

SEC. 6. This act shall take effect from its passage.

Approved, November 19, 1868.



No. 179.—AN ACT TO ENABLE THE TOWNS IN  
THE COUNTIES OF RUTLAND AND WINDSOR  
TO AID IN THE CONSTRUCTION OF THE KILL-  
INGTON RAILROAD.

SECTION

1. Certain towns authorized to aid in the construction of a railroad; may issue bonds therefor; amount of bonds not to exceed eight times the amount of grand list.
2. Method of rendering such aid defined.
3. Vote and assent to be recorded in the town clerk's office; certified copy thereof, and certificate

SECTION

- of compliance, to be recorded in Secretary of State's office.
4. Towns may issue bonds, with seven per cent. interest bearing coupons.
5. Selectmen or commissioners to act as agents for their respective towns in all matters pertaining to said railroad.
6. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Any town in Rutland and Windsor counties may aid in the construction of said Killington Railroad, by subscribing to the stock in said road, or in such other manner as said town shall direct; provided, that no town shall assume any liability for said road exceeding eight times the grand list of said town, at the time said aid is granted.

SEC. 2. Such aid shall be given in the following manner, to wit:

The selectmen of said town, on the application of ten or more legal voters of said town, shall, within ten days after the receipt of said application, warn a meeting of the legal voters of such town, to be held at the usual place of holding town meetings in such town, which notice shall specify the time and place of the meeting, which shall not be more than twenty nor less than twelve days; and the warning shall be sufficient if it states the business to be done at said meeting is to aid in the construction of the Killington Railroad; and if a majority of the votes given at said meeting shall be to aid said road, then the town shall fix the amount

of aid to be given, and the terms thereof, and may appoint three commissioners, who shall be resident tax-payers of the town; and if no commissioners be appointed, the selectmen shall act as commissioners until commissioners shall be appointed by said town. Said commissioners or selectmen shall be duly sworn, and shall, as soon as may be, prepare suitable books in which said vote shall be set forth, in which the tax-payers of the town may sign their names, assenting to said vote; and the grand list of each person signing said assent shall be annexed to his name; and when a majority of the tax-payers of said town, both in number and amount of grand list, shall have signed the same, the same shall be binding on the town; provided, the signatures are procured within six months after the first signature to the paper is made; and all persons or corporations liable to pay taxes, and all persons who shall be owners of real estate, taxed at the time the assent is given, shall have a right to assent to said vote.

SEC. 3. The said vote and assent, when so signed as aforesaid, shall be duly certified by the commissioners or selectmen, and recorded by the town clerk in the town clerk's office, at length, in the land records of said town, and a duly certified copy of the vote of the town, and the certificate of the commissioners or selectmen to the same, that the act has been complied with by a majority of the tax-payers, both in number and amount, who have duly signed the same, with the certificate of the town clerk, that the same has been duly recorded in his office, shall be recorded in the office of the Secretary of State; and certified copies from either office shall be full proof, in any court, that the law has been complied with.

SEC. 4. Said towns may issue bonds, with coupons payable semi-annually, at any rate of interest not exceeding seven per cent., for the purpose of building a road.

SEC. 5. The selectmen or commissioners aforesaid, as

soon as the assent is given and recorded as aforesaid, shall proceed to carry into effect the vote of said town, according to the terms and conditions thereof, and shall have power to vote and act for said town on all proper occasions, to carry into effect the votes aforesaid; and their votes and acts shall be binding on said town.

SEC. 6. This act shall take effect from its passage.

Approved, November 19, 1868.

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No. 184.—AN ACT AUTHORIZING CERTAIN TOWNS TO AID IN THE CONSTRUCTION OF THE RUTLAND AND WOODSTOCK RAILROAD.

SECTION

1. Certain towns therein named authorized to aid in the construction of the railroad.
2. Manner of giving such aid defined.
3. Vote and assent duly certified to be recorded in the town clerk's office; certified certificate of compliance with this act, with certificate of record in the town

SECTION

- clerk's office, to be recorded in the office of the Secretary of State.
4. Bonds, with interest bearing coupons not exceeding seven per cent., may be issued.
5. Selectmen or commissioners to act as agents in carrying into effect the vote of the town.
6. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Any town in Rutland and Windsor counties, on the line of the Rutland and Woodstock Railroad, or any town adjoining a town on the line of said railroad, may aid in the construction of the Rutland and Woodstock Railroad, by subscribing to the stock in said road, or by issuing bonds to aid said road, or in such other manner as said towns shall direct; provided, that no town shall assume any liability for said road exceeding eight times the grand list of said town, at the time said aid is granted.

SEC. 2. Such aid shall be given in the following manner, to wit:

The selectmen of said towns, on the application of ten or more legal voters of said town, shall, within ten days after the receipt of said application, warn a meeting of the legal voters of such town, to be held at the usual place of holding town meetings in such towns, which notice shall specify the time and place of the meeting, which shall not be more than twenty nor less than twelve days from the time of posting said notice; and the warning shall be sufficient if it states the business to be done at said meeting is to aid in the construction of the Rutland and Woodstock Railroad; and if a majority of the votes given at said meeting shall be to aid said road, then the town shall fix the amount of aid to be given and the terms thereof, and may appoint three commissioners, who shall be resident tax-payers of the town; and if no commissioners be appointed, the selectmen shall act as commissioners until commissioners shall be appointed by said town. Said commissioners or selectmen shall be duly sworn, and shall as soon as may be, prepare suitable books, in which said vote shall be set forth, in which the tax-payers of the town may sign their names, assenting to said vote; and the grand list of each person signing said assent shall be annexed to his name; and when a majority of the tax-payers of said town, both in number and amount of grand list, shall have signed the same, the same shall be binding on the town; provided, the signatures are procured within six months after the first signature to the paper is made; and all persons or corporations liable to pay taxes, and all persons who shall be owners of real estate taxed at the time the assent is given, shall have a right to assent to said vote.

SEC. 3. The said vote and assent, when so signed as aforesaid, shall be duly certified by the commissioners or selectmen, and recorded by the town clerk in the town clerk's office, at length, in the land records of said town; and a duly certified copy of the vote of the town, and the certificate of the commissioners or selectmen to the same, that the

act has been complied with by a majority of the tax-payers, both in number or amount, who have duly signed the same, with the certificate of the town clerk that the same has been duly recorded in his office, shall be recorded in the office of the Secretary of State; and certified copies from either office shall be full proof in any court that the law has been complied with.

SEC. 4. Said towns may issue bonds, with coupons payable semi-annually, at a rate of interest not exceeding seven per cent., for the purpose of aiding said road.

SEC. 5. The selectmen or commissioners aforesaid, as soon as the assent is given and recorded as aforesaid, shall proceed to carry into effect the vote of said town, according to the terms and conditions thereof, and shall have power to vote and act for said town on all proper occasions; and their votes and acts shall be binding on said town.

SEC. 6. This act shall take effect from its passage.

Approved, November 19, 1868.

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NO. 190.—AN ACT PROVIDING FOR BUILDING A  
COURT HOUSE IN THE COUNTY OF RUTLAND,  
AND LAYING A TAX ON SAID COUNTY.

SECTION

1. Commissioners appointed; purpose; powers granted; avails of old court house to be paid to county treasurer; sum expended in construction not to exceed \$36,000; subscriptions may be received.
2. Tax of twenty-five cents on a dollar hereby assessed; purpose.
3. Treasurer of county authorized

SECTION

- to issue warrants for collection of said tax.
4. Selectmen to make out tax-bills; time of collection of said tax.
5. One-fortieth of tax to be accreted to the first constable or collector.
6. Money collected, how disbursed.
7. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. John Prout, Loyal C. Kellogg, Allen Whedon, Sumner Briggs and Ebenezer Fisher, are hereby appointed commissioners, for the purpose of erecting and furnishing a court house at Rutland, in the county of Rutland; and said commissioners shall have the entire direction and supervision of the same, and are hereby authorized to contract for the building of the same, and to purchase all materials necessary for the building and furnishing; and in building the same,

may sell the lot on which the former court house stood, and the materials saved from said old court house, or any part of said lot or materials, and may purchase a new site for said court house, and do as they may think the interests of said county may require. Said commissioners, if they shall sell any of said materials or premises aforesaid, shall pay over the avails thereof to the treasurer of the county, and shall draw orders on said treasurer for all expenses incurred in the purchase of a site, and in erecting and furnishing the new court house; provided, that in purchasing a site and building and completing said court house, the commissioners herein appointed shall not expend a sum, or in any manner pledge the credit of the county for a sum, exceeding in amount thirty-six thousand dollars; and said commissioners are authorized to receive subscriptions from any persons or town, which may be offered.

SEC. 2. There is assessed a tax of twenty-five cents on the dollar, on the list of the polls and ratable estate in the several towns of the county of Rutland, for the year 1868, for the purpose of purchasing a site, and rebuilding the court house in said county.

SEC. 3. The treasurer of said county is directed, on or before the first day of January, 1869, to issue his warrant to the first constables or collectors of taxes of the several towns in said county, for the collection of said tax, in the same manner as by law State taxes are required to be collected.

SEC. 4. The selectmen of the several towns in said county, shall make and deliver to the first constables or collectors of taxes of their respective towns, in the month of January, 1869, a tax-bill for the collection of said tax, and the money assessed by this act shall be paid into the treasury of said county, on or before the first day of June, 1869.

SEC. 5. Instead of the credit mentioned in section sixty-

four (64) of chapter eighty-four (84) of the General Statutes, the treasurer of the county shall credit each constable, or collector of taxes, one-fortieth part of the sum contained in the warrant by him issued to such constable or collector of taxes, who shall be accountable to his town for so much of said fortieth part so credited, as shall not be allowed by way of abatement to such constable or collector of taxes.

SEC. 6. The money so assessed shall be paid out by the treasurer of said county, in payment of orders drawn by the commissioners named in this act, for the expenses of purchasing a site and erecting said court house.

SEC. 7. This act shall take effect from its passage.

Approved, November 19, 1868.

## No. 191.—AN ACT LAYING A TAX ON THE COUNTY OF WINDHAM.

### SECTION

1. Tax of one cent. on a dollar assessed; purpose.
2. Treasurer directed to issue warrants for the collection of the same.

### SECTION

3. Selectmen shall make out tax-bills; time of collection and payment of said tax defined.
4. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. There is hereby assessed a tax of one cent on the dollar, on the list of polls and ratable estate in the several towns in the county of Windham, for the year one thousand eight hundred and sixty-eight, for the purpose of meeting the deficiency in the treasury of said county, and for repairing the jail in said county.



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NO. 215.—AN ACT FOR THE PRESERVATION OF  
FISH IN OTTER CREEK, ITS COVES AND  
TRIBUTARIES.

*It is hereby enacted by the General Assembly of the  
State of Vermont:*

SEC. 1. If any person or persons shall hereafter take, kill or destroy any fish in Otter Creek, its coves or tributaries, between the first day of November and the first day of April in any year, such person or persons shall forfeit and pay to the treasurer of the town in which such offense is committed, the sum of two dollars for each fish so taken, killed or destroyed, one-half for the benefit of such town, and the other half for the benefit of the complainant,

to be recovered in an action founded upon this act, together with full costs of suit.

SEC. 2. This act shall take effect from its passage.

Approved, November 16, 1868.

# ACTS AND RESOLVES

PASSED BY THE

## GENERAL ASSEMBLY

OF THE

# STATE OF VERMONT,

AT THE

## ANNUAL SESSION, 1869.



PUBLISHED BY AUTHORITY.

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MONTPELIER:  
FREEMAN STEAM PRINTING HOUSE AND BINDERY,  
1869.

Acts and Resolves 1869



hereafter may be enacted; provided, said corporation shall not be required to commence or complete their said road except as provided in section eight.

SEC. 10. This act shall be under the control of the Legislature to alter or amend.

SEC. 11. This act shall take effect from its passage.

Approved, November 15, 1869.

**No. 97.—AN ACT IN AMENDMENT OF SECTION SEVEN OF AN ACT ENTITLED "AN ACT TO INCORPORATE THE KILLINGTON RAILROAD COMPANY," APPROVED NOVEMBER 19, 1868.**

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. In case the Rutland and Woodstock Railroad Company shall within three years from the nineteenth day of November, A. D. 1868, complete the construction of their road from a point known as West Bridgewater, thence through to the village of Woodstock, forming a connection with the Woodstock Railroad, now being built, in a location suitable, convenient or practicable for said Killington Railroad to make connections with at said West Bridgewater, or contract for its completion, agreeably to the terms of its charter, and expend at least fifty thousand dollars upon its construction, or shall after the expiration of said three years complete the construction of their road as aforesaid, from West Bridgewater to Woodstock as aforesaid, or contract for its completion, agreeably to the terms of its charter, before the corporation hereby created shall in like manner

complete or contract for the completion of their said road from said West Bridgewater to the village of Woodstock, connecting with said Woodstock Railroad, then in that case the eastern terminus of the road of the Killington Railroad Company, hereby chartered, shall be at or near West Bridgewater, so called, connecting with the road of the Rutland and Woodstock Railroad Company.

Approved, November 16, 1869.

**No. 98.—AN ACT TO INCORPORATE THE MANCHESTER AND JAMAICA RAILROAD.**

**SECTION**

1. Corporators; name; purpose; right; location of route; powers and privileges.
2. Capital stock; par value of shares.
3. Commissioners; notice of opening books for subscriptions to stock, how given.
4. Surveys and explorations of route may be made.
5. Time designated for organization of the company; notice for meeting of organization, how given; number of directors; tenure of office.

**SECTION**

6. Power to locate the road granted; record of location to be made in town clerks' offices.
7. Power to negotiate with other companies for transportation of persons and freight, granted; right of loan conferred.
8. Limit of time for commencement of construction.
9. Act to be deemed a public act, and to be favorably construed; with a proviso.
10. Subject to future legislation.
11. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Such persons as shall hereafter become stockholders are hereby constituted a body corporate, by the name of the Manchester and Jamaica Railroad, for the purpose and with the right of building a railroad, with a single or double track, commencing at some point in the town of Manchester or Dorset, most convenient to connect with the Bennington and Rutland Railroad, thence running by way of Bondville, by the most convenient route, through the



No. 103—AN ACT TO INCORPORATE THE RUTLAND AND BETHEL RAILROAD COMPANY.

## SECTION

1. Corporators; name; purpose and right; locality; connections; rights; powers; privileges.
2. Capital stock.
3. Limit of time for commencement and completion.
4. Commissioners to open books.
5. Commissioners to make a survey; first meeting, how called.
6. Act to be deemed a public one; subject to the general laws.
7. Meetings, where held, and how called.
8. Right of connection with other roads guaranteed; points of connection, how determined.
9. Disagreements upon tariffs for freight and passengers, how remedied.
10. Certain towns authorized to aid in the construction of a rail-

## SECTION

- road; may issue bonds therefor; amount of bonds not to exceed eight times the amount of grand list.
11. Method of rendering such aid defined.
12. Vote and assent given to be recorded in the town clerk's office; certified copy of such vote, and certificate of compliance to be recorded in the Secretary of State's office.
13. Towns may issue bonds, with seven and three-tenths per cent. interest bearing coupons.
14. Selectmen or commissioners to act as agents for their respective towns in matters pertaining to said railroad.
15. Subject to legislation.
- 16 To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Such persons as shall hereafter become stockholders are hereby constituted a body corporate, by the name of the Rutland and Bethel Railroad Company, for the purpose and with the right of building a railroad, with a double or single track, from some point in the town of Bethel, on the line of the Vermont Central Railroad, in the town of Bethel, through the towns of Bethel, Stockbridge, Pittsfield, Chittenden, Mendon, Pittsford and Rutland, with right of crossing the railroad of any other company, with right to connect with any or all of the railroads now built and centering at Rutland, to transport and carry persons or property, by the power of steam or otherwise; and by that name may sue and be sued, may have a seal, and shall have all the rights incident to corporations.

SEC. 2. The capital stock shall be a sum sufficient to complete said road with all the necessary apparatus for operating said road, not exceeding three million dollars. Said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property.

SEC. 3. If said company shall not within ten years commence the survey or construction of said road, and expend at least five thousand dollars thereon, and shall not within fifteen years complete and put in operation said road, so far as is practicable to build said road within the State, then said corporation shall take no benefit of this act, and the same shall be null and void, except so far as said road may be completed.

SEC. 4. F. W. Anderson, Edwin Sturtevant, A. M. Marsh and G. E. Graham of Bethel, H. Henry Baxter, Francis Slason, Charles H. Joyce, Lorenzo Sheldon, L. G. Kingsley, John M. Crampton and Redfield Proctor of Rutland, Thomas Greenbank, A. A. Brooks, Albert Whitcomb and H. D. Morgan of Stockbridge, R. H. Tupper, Chester Pierce, J. B. Rogers and J. H. Trask of Rochester, Joel Ranney, C. A. Thomas and H. O. Gibbs of Pittsfield, Ezra Edson of Mendon and H. F. Lathrop of Pittford, shall be commissioners for receiving subscriptions to the capital stock of said corporation. A majority of said commissioners shall be competent to do any acts for said corporation.

SEC. 5. The commissioners may cause such preliminary surveys and explorations to be made as they may deem expedient, and the expenses thereof shall be paid by said corporation when organized; and as soon as one thousand shares shall be subscribed, they shall proceed to give notice for a meeting of the stockholders for an election of directors.

SEC. 6. This act shall be taken and deemed to be a public act, and shall be construed favorably and beneficially



for all purposes for which the same is enacted, and shall be subject to any general law of the State respecting railroad corporations which is now in force or may hereafter be enacted; and all the general laws of the State relating to railroad corporations shall be deemed and taken to be a part of this act.

SEC. 7. All meetings of the stockholders of the corporation hereby incorporated shall be held within this State, and notice of every such meeting shall be published in at least one newspaper printed in each county where the road is located.

SEC. 8. The company hereby incorporated shall have the right to connect their road with any other railroad now built or hereafter to be built either in the counties of Windsor or Rutland, at such points as shall be mutually agreed upon by the company of said connecting road and the company hereby incorporated; and in case the company of the connecting road and the company hereby incorporated cannot agree upon the point or terms of connection, the same shall be determined, on the application of either party, in the manner provided in section nine of this act; and the respective rights and obligations of said companies and the company hereby incorporated, in relation to the transportation of freight and passengers over their respective roads, shall be controlled by the general laws of this State now in force respecting railroad corporations, and any general laws relating to that subject which may hereafter be enacted.

SEC. 9. If the said companies cannot agree upon the point and the terms of connection, or the price to be charged for freight and passengers carried over said roads, either company, on reasonable notice to the other party, may apply to the Supreme Court sitting in either county in which any portion of the road is located, which shall, on such application, appoint three commissioners, who shall hear and determine all matters of disagreement between said companies.

and shall establish the price to be charged by each of said companies respectively. Such commissioners shall report such determination to the Supreme Court, and the same, when approved by said court, shall be obligatory on said companies until modified by a new board of commissioners, appointed in the manner aforesaid; and said court may enforce such order or award of said commissioners by any proper order or process of said court.

SEC. 10. Any town in Windsor and Rutland counties may aid in the construction of the Rutland and Bethel Railroad by subscribing to the stock in said road, or by issuing bonds to aid said road, or in such manner as said town shall direct; provided, that no town shall assume any liability for said road exceeding eight times the grand list of said town at the time said aid is granted.

SEC. 11. Such aid shall be given in the following manner, to wit:

The selectmen of said town, on the application of ten or more legal voters of said town, shall within ten days after the receipt of said application warn a meeting of the legal voters of such town, to be held at the usual place of holding town meetings in such town, which notice shall specify the time and place of the meeting, which shall not be more than twenty nor less than twelve days from the time of posting said notice; and the warning shall be sufficient if it states the business to be done at said meeting is to aid in the construction of the Rutland and Bethel Railroad; and if a majority of the votes given at said meeting shall be to aid said road, then the town shall fix the amount of aid to be given, and the terms thereof, and may appoint three commissioners, who shall be resident tax-payers of the town; and if no commissioners be appointed, the selectmen shall act as commissioners until commissioners shall be appointed by said town. Said commissioners or selectmen shall be duly sworn, and shall as soon as may be procure



suitable books, in which said vote shall be set forth, in which the tax-payers of the town may sign their names assenting to said vote, and the grand list of each person signing said assent shall be annexed to his name; and when a majority of the tax-payers of said town, both in number and amount of grand list, shall have signed the same, the same shall be binding on the town; provided, the signatures are procured within six months after the first signature to the paper is made; and all persons or corporations liable to pay taxes, and all persons who shall be owners of real estate and tax-payers in said town taxed at the time the assent is given, shall have a right to assent to said vote.

SEC. 12. The said vote and assent, when so signed as aforesaid, shall be duly certified by the commissioners or selectmen, and recorded by the town clerk in the town clerk's office, at length, in the land records of said town; and a duly certified copy of the vote of the town, and the certificate of the commissioners or selectmen to the same that the act has been complied with by a majority of the tax-payers, both in number and amount, who have duly signed the same, with the certificate of the town clerk that the same has been duly recorded in his office, shall be recorded in the office of the Secretary of State; and certified copies from either office shall be full proof in any court that the law has been complied with.

SEC. 13. Said towns may issue bonds, with coupons payable semi-annually, at any rate of interest not exceeding seven and three-tenths per cent., for the purpose of aiding said road.

SEC. 14. The selectmen or commissioners aforesaid, as soon as the assent is given and recorded as aforesaid, shall proceed to carry into effect the vote of said town, according to the terms and conditions thereof, and shall have power to vote and act for said town on all proper occasions to carry into effect the aforesaid vote, and their votes and acts shall be binding on said town.



SEC. 15. This act shall at all times be under the control of the Legislature to amend or repeal, as the public good may require.

SEC. 16. This act shall take effect from its passage.

Approved, November 16, 1869.

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Approved, November

# No. 116.—AN ACT TO INCORPORATE THE AMERICAN TRUST COMPANY.

## SECTION

1. Name ; purpose ; privileges.
2. Capital stock.
3. Books for subscription to be opened, at what times and in what manner ; commissioners to allot and distribute, in case more than the whole amount of capital is subscribed.
4. First meeting, how called ; directors, their duties.
5. Each share entitled to one vote.
6. Payment of amounts due on shares, how regulated.
7. Election of directors ; officers ; liability of directors.
8. Corporation not to be dissolved in case of failure to elect.
9. Transfer of shares.
10. Powers of corporation.
11. By-laws.

## SECTION

12. Property to be invested only according to terms of trust.
13. Compensation for trust.
14. Payment to minors or married women.
15. Regulation of investments in case of no special agreement or contract.
16. No loan to be made to employees of company.
17. Liabilities of corporation for deposits.
18. Company to execute no trust that would not be lawful for individuals.
19. Subject to general laws.
20. Assessments in case of loss.
21. Penalties for misapplication of property.
22. Subject to future legislation.
23. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. The subscribers to the capital stock of the corporation hereby established, and their successors and assigns, are constituted a corporation and body politic, by the name of American Trust Company ; and by that name may sue and be sued, have a common seal and the same alter at pleasure, and may purchase and hold real and personal estate for their own use, and such real and personal estate as may be received in the collection of debts, and may sell and convey the same, and shall have and enjoy all the privileges incident to corporations ; and said trust company shall be established in the town of Rutland, in the county of Rutland.

SEC. 2. The capital of said corporation shall be one hundred thousand dollars, with power to increase the same to an amount not exceeding three hundred thousand dollars,

which shall be divided into shares of one hundred dollars each.

**SEC. 3.** The books for receiving subscriptions for shares in said corporation shall be opened at Rutland, in the county of Rutland, within six months after the passage of this act, notice of which opening shall be published in all the newspapers printed in the county of Rutland three weeks in succession, the last of which shall not be more than two weeks previous to the day fixed by the commissioners; and said notice shall be signed by a majority of said commissioners, under the direction of H. Henry Baxter, Merritt Clark, L. G. Kingsley, Jonas Clark, Lucius Copeland, Henry Clark, Jonas Wilder, Charles Clark and John W. Crampton, or a majority of them, who are hereby appointed commissioners for that purpose, and who shall be sworn to a faithful discharge of their duty; and such books shall be open from ten o'clock A.M. till four o'clock P.M., each day, Sundays excepted, for the space of ten days thereafter, until one thousand shares shall be subscribed; and the subscribers shall at the time of subscribing deposit with the commissioners ten dollars on each share by them subscribed. The commissioners, in case more than the whole amount of capital stock is subscribed, shall allot and distribute the same among the subscribers by deducting the excess from those subscribing the greatest number of shares, thus making subscriptions equal, as far as may be without dividing shares, in such manner as they may deem most for the interest of all concerned; and if there shall be any increase of the capital stock of said corporation as herein provided, the said increase shall be divided among the then stockholders, *pro rata*, if they will accept the same, and in case the whole of such increase is not thus distributed, the surplus may be divided among the then stockholders of said corporation, who will receive and pay the same in proportion to the amount of stock held by them, or in such other manner as the board of directors shall determine.



**SEC. 4.** Said commissioners shall, upon the whole amount of stock being subscribed for, or as soon after as they shall think proper, not exceeding sixty days, call a meeting of the stockholders of said corporation, at such place in Rutland aforesaid, as they shall think proper, by publishing a notice thereof, signed by a majority of them, in one or more newspapers printed in the county of Rutland aforesaid, three weeks successively, previously to such meeting, for the purpose of electing seven directors of said corporation; and said commissioners shall deliver to said directors of said corporation, when elected, and within ten days after they shall enter upon the duties of their office, a list of all the names of persons entitled to shares in said corporation, and the number of shares to which each is entitled, and the sum by each deposited with them, also the moneys received by them on deposit on said shares; which list said directors shall cause to be recorded in the books of said corporation, and thereupon issue certificates to such subscribers for their stock.

**SEC. 5.** Every stockholder shall be entitled to one vote for directors for every share of capital stock standing in his or her name on the books of the corporation.

**SEC. 6.** The corporation shall not commence business until at least twenty-five per cent. of the whole capital stock shall have been paid into said corporation. After the shares shall have been distributed and allotted, each stockholder shall pay the whole amount remaining due on the shares so held by him, at such time or times as the board of directors shall appoint, of which at least ten days' notice shall be given to each subscriber, by mail, and publishing the same in some newspaper printed in Rutland aforesaid; and the shares of each stockholder omitting to make such payment shall be forfeited, together with all previous payments made thereon; provided, that there shall be at least twenty-five thousand dollars of the capital stock paid in yearly, until

the whole one hundred thousand dollars shall have been paid in.

SEC. 7. All the business of said corporation shall be managed by said seven directors, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in said corporation, each to the amount of one thousand dollars, and inhabitants of this State, and shall hold their office until the second Tuesday of January after their appointment, and until their successors are appointed and qualified; and shall be elected annually, after their first election, at such time and place as a majority of the directors for the time being shall direct, public notice whereof shall be given by publication of the same in a newspaper printed in said county of Rutland, for the space of three weeks next previous to such election; and all such elections shall be made by ballot, by the stockholders of said corporation, who shall be present in person or by proxy, and the several persons who shall receive the greatest number of votes at such election shall be directors; and if any two or more persons shall receive an equal number of votes, so that more than seven persons shall by a plurality of votes appear to be elected, the stockholders shall proceed to ballot a second time, and by a plurality of votes determine which of said persons so having an equal number of votes shall be directors; and in case any vacancy shall happen by death, resignation, or otherwise, the vacancy shall be filled from among the stockholders, by a majority of the remaining directors. After their election, the directors shall elect from their number a president and vice president, and such other officers as they may deem necessary. The said directors shall be liable to the creditors and stockholders of said corporation for any loss which may be sustained in consequence of any incompetency, unfaithfulness, or remissness in the discharge of their official duties hereinbefore or hereinafter prescribed, and any number of such directors may be



sued in the same action by any claimant under these provisions.

SEC. 8. If the election of directors shall not be made on the day herein prescribed, said corporation shall not be thereby dissolved, but a meeting for the election of directors may be held on any other day, under such regulations as shall be prescribed by the by-laws of the corporation.

SEC. 9. The shares in said corporation shall be transferred only in such manner and under such regulations, as shall be prescribed by the by-laws of the corporation; provided, no transfer shall be valid until recorded by the cashier, and in his absence by one of the directors, in a book for that purpose, nor until the person making the same shall have previously discharged all debts and liabilities due from him to said corporation.

SEC. 10. The corporation hereby created shall have power :

*First*, To receive moneys on deposit or in trust, at such rate of interest or on such terms as may be agreed upon, the rate of interest to be allowed for deposits not exceeding the legal rate.

*Second*, To accept and execute all such trusts, of every description, not inconsistent with the laws of this State, as may be committed to them by any person or persons whomsoever, or by any corporation, or by order of the Supreme Court, probate court, or other court of record of this State.

*Third*, To take and accept, by grant, assignment, transfer, devise or bequest, and hold any real or personal estate on trusts created in accordance with the laws of this State, and execute such legal trusts on such terms as may be declared, established or agreed upon in regard thereto; and in case no terms are declared, established or agreed upon, then the trust property is only to be invested as provided by the terms of this act.



*Fourth*, To accept from and execute trusts for married women, in respect to their separate property, whether real or personal, and act as agents for them in the management of such property.

*Fifth*, To accept deposits where public officers or municipal or private corporations are authorized or required by law to deposit money in bank; and such deposits may be made by such officers or corporations with the said American Trust Company.

SEC. 11. The directors of said corporation may make such by-laws and regulations as they may deem necessary and proper, not inconsistent with this act, or the laws of this State.

SEC. 12. Any trust property confided to said corporation shall be invested only according to the terms of the trust.

SEC. 13. The corporation shall be allowed as compensation for the care of trust property, the investment and collection of the same, and for other services rendered in the execution of each trust, such sum as shall be agreed upon, and in the absence of any agreement, such compensation as is fixed by the by-laws or regulations of said company in force at the time such trust is created.

SEC. 14. The directors and other officers of said corporation may at their discretion pay to any minor or married woman, such sum as may have been deposited by him or her, and may be due to him or her, the same as if such minor was of age, and such married woman unmarried; and the check-receipt or acquittance of such minor or married woman shall be a full discharge for the amount for which it is given.

SEC. 15. Where no special direction or agreement is made by those having deposited, or having trust property

with said corporation, as to the character of the investments thereof to be made, such investments shall be made by said corporation only as follows :

In the purchase of stocks or bonds of the United States, bonds of any of the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island or New York,—or bonds of any of the towns or cities in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut or Rhode Island,—or in loans secured by any of the said bonds named in this section, or by a first mortgage on unencumbered real estate in this State, at one-half its value, or secured by bank stock, at two-thirds its value ; provided, that no bank stock shall be taken as collateral security for any loan, unless accompanied by a certificate from the cashier or president of such bank that such stock is free from any lien in favor of such bank or any person.

SEC. 16. No loan shall be made directly or indirectly to any director or officer or employee of said corporation ; and for any violation of this section, the director or officer making the same shall be liable to the corporation for the amount so loaned.

SEC. 17. Said corporation shall be liable at all events, the act of God and the public enemies only excepted, for all deposits, and for the safe keeping of all bonds and other securities received by said corporation in trust ; provided, that in case of the dissolution of said company, by act of law or otherwise, the debts due from said company, incurred by deposits in favor of minors, insane persons or married women,—such deposit having been made for married women in their own right,—shall have a preference and be satisfied before any other debts due from said corporation are paid.

SEC. 18. This act shall not be construed to confer on said corporation any right or power to make any contract, or to accept or execute any trust whatever, which it would



not be lawful for any individual, under the general rules of law which are or shall be in force, to make, accept or execute.

SEC. 19. This corporation shall be subject to all the provisions of sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four and thirty-five, of chapter eighty-six of the General Statutes, relating to private corporations, savings banks, or other moneyed corporations.

SEC. 20. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment; and no dividends shall be made or declared upon the capital stock of said corporation, until the same are actually earned and realized over and above all losses and expenses.

SEC. 21. Any president, director or other officer of said corporation, who shall misapply or divert the moneys, funds, or other trust property confided to and accepted by said corporation, from the purposes and objects prescribed by this act, or who shall participate in such misapplication or diversion, shall on conviction thereof be punished by imprisonment in the State Prison, not exceeding five years, and be fined not to exceed one thousand dollars, or either of said punishments, in the discretion of the court.

SEC. 22. The Legislature shall have power at any time hereafter to repeal, alter or modify this act, or any of its provisions.

SEC. 23. This act shall take effect from its passage.

Approved, November 15, 1869.



NO. 187—AN ACT TO LEGALIZE CERTAIN BONDS ISSUED BY THE BENNINGTON AND RUTLAND RAILWAY COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The Bennington and Rutland Railway Company having issued its bonds dated the first day of November, A. D. 1877—four hundred and seventy-five in number—each for the sum of one thousand dollars, payable twenty years from their dates, with interest at the rate of seven per cent. per annum, payable semi-annually, with interest coupons thereto attached, all payable to bearer, and secured by a mortgage upon the railroad and franchise, and real and personal estate of said company, executed to the Union Trust Company of New York, trustee, and bearing even date with said bonds; and the said railway company having made application for this purpose, the said bonds and coupons and mortgage are hereby declared to be valid, legal, and binding obligations and contracts according to their respective tenors upon and against the said Bennington and Rutland Railway Company.

SEC. 2. This act is declared to be a public act, and shall take effect from its approval.

Approved October 31, 1878.

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No. 125.—AN ACT TO INCORPORATE THE VERMONT STATE TRUST COMPANY.

## SECTION

1. Name; purpose; privileges.
2. Capital stock.
3. Books for subscription to be opened, at what times and in what manner; commissioners to allot and distribute, in case more than the whole amount of capital is subscribed.
4. First meeting, how called; directors, their duties.
5. Each share entitled to one vote.
6. Payment of amounts due on shares, how made.
7. Election of directors; officers; liability of directors.

## SECTION.

8. Corporation not to be dissolved in case of failure to elect.
9. Transfer of shares.
10. Powers of corporation.
11. By-laws.
12. Property to be invested on according to terms of trust.
13. Compensation for trust.
14. Payment to minors or married women.
15. Regulation of investments in case of no special agreement.
16. No loan to be made to employees of company.

## SECTION

17. Liabilities of corporation for deposits.  
18. Company to execute no trust that would not be lawful for individuals.  
19. Subject to general laws.

## SECTION

20. Assessments in case of loss.  
21. Penalties for misapplication of property.  
22. Subject to future legislation.  
23. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The subscribers to the capital stock of the corporation hereby established, and their successors and assigns, are constituted a corporation and body politic, by the name of the Vermont State Trust Company; and by that name may sue and be sued, have a common seal and the same alter at pleasure, and may purchase and hold real and personal estate for their own use, and such real and personal estate as may be received in the collection of debts, and may sell and convey the same, and shall have and enjoy all the privileges incident to corporations; and said trust company shall be established in the town of Rutland, in the county of Rutland.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, with the power to increase the same to an amount not exceeding three hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

SEC. 3. The books for receiving subscriptions for shares in said corporation shall be opened at Rutland, county of Rutland, within six months after the passage of this act, notice of which opening shall be published in two newspapers printed in the town of Rutland, three weeks in succession, the last of which shall not be more than two weeks previous to the day fixed by the commissioners, and said notice shall be signed by a majority of said commissioners, under the direction of John B. Page, Frederick Chaffee, Luther Daniels, J. B. Harris, Jacob Edgerton, Wm. Gilmore, Charles Clement, John N. Baxter, S. M. Dorr, John A. Sheldon, A. H.



Tuttle, J. C. Dunn, N. P. Simmons, Henry Clark, Geo. H. Cheney, J. M. Haven, Geo. A. Merrill, all of Rutland, or a majority of them, who are hereby appointed commissioners for that purpose, and who shall be sworn to a faithful discharge of their duty, and such books shall continue open from ten o'clock A.M. till four o'clock P.M., each day, Sundays excepted, for the space of ten days and thereafter, until one thousand shares shall be subscribed; and the subscribers shall at the time of subscribing deposit with the commissioners ten dollars on each share by them subscribed. The said commissioners, in case more than the whole amount of capital stock is subscribed, shall allot and distribute the same among the subscribers by deducting the excess from those subscribing the greatest number of shares, thus making subscriptions equal as far as may be without dividing shares, in such manner as they may deem most for the interest of all concerned; and if there shall be any increase of the capital stock of the said corporation, as herein provided, the said increase shall be divided among the then stockholders, *pro rata*, if they will accept the same; and in case the whole of such increase is not thus distributed, the surplus may be divided among the then stockholders of said corporation, who will receive and pay the same in proportion to the amount of stock held by them, or in such other manner as the board of directors shall determine.

SEC. 4. Said commissioners shall, upon the whole amount of stock being subscribed for, or as soon after as they shall think proper, not exceeding sixty days, call a meeting of the stockholders of said corporation, at such place in Rutland as they shall think proper, by publishing a notice thereof, signed by a majority of them, in one or more newspapers printed in the [town of] Rutland, three weeks successively, previous to such meeting, for the purpose of electing seven directors of said corporation; and said commissioners shall deliver to said directors of said corporation, when elected, and within ten days after they shall enter upon

the duties of their office, a list of all the names of persons entitled to shares in said corporation, and the number of shares to which each is entitled, and the sum by each deposited with them, also the moneys received by them on deposit on said shares; which list said directors shall cause to be recorded in the books of said corporation, and thereupon issue certificates to such subscribers for their stock.

SEC. 5. Every stockholder shall be entitled to one vote for directors for every share of capital stock standing in his or her name on the books of the corporation.

SEC. 6. The corporation shall not commence business until at least twenty-five per cent. of the whole capital stock shall have been paid into said corporation. After the shares shall have been distributed and allotted, each stockholder shall pay the whole amount remaining due on the shares so held by him, at such time or times as the board of directors shall appoint, of which at least ten days' notice shall be given to each subscriber, by mail, and publishing the same in some newspaper printed in Rutland, and the shares of each stockholder omitting to make such payment, shall be forfeited, together with all previous payments made thereon; provided, that there shall be at least twenty-five thousand dollars of the capital stock paid in yearly, until the whole one hundred thousand dollars shall have been paid in.

SEC. 7. All the business of said corporation shall be managed by said seven directors, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in said corporation, each to the amount of one thousand dollars, and inhabitants of this State, and shall hold their office until the second Tuesday of January after their appointment, and until their successors are appointed and qualified; and shall be elected annually, after their first election, at such time and place as a majority of the directors for the time being shall direct, public notice whereof shall be given by publication of the same in a newspaper printed in said town of Rutland, for the space of four



weeks next previous to such election; and all such elections shall be made by ballot, by the stockholders of said corporation, who shall be present in person or by proxy, and the several persons who shall receive the greatest number of votes at such election shall be directors; and if any two or more persons shall receive an equal number of votes, so that more than seven persons shall by a plurality of votes appear to be elected, the stockholders shall proceed to ballot a second time, and by a plurality of votes determine which of said persons so having an equal number of votes shall be directors; and in case any vacancy shall happen by death, resignation, or otherwise, the vacancy shall be filled from among the stockholders, by a majority of the remaining directors. After their election the directors shall elect from their number a president and vice president, and such other officers as they may deem necessary. The said directors shall be liable to the creditors and stockholders of said corporation for any loss which may be sustained in consequence of any incompetency, unfaithfulness or remissness in the discharge of their official duties hereinbefore or hereinafter prescribed; and any number of such directors may be sued in the same action by any claimant under these provisions.

SEC. 8. If the election of directors shall not be made on the day herein prescribed, said corporation shall not be thereby dissolved, but a meeting for the election of directors may be held on any other day, under such regulations as shall be prescribed by the by-laws of the corporation.

SEC. 9. The shares in said corporation shall be transferred only in such manner and under such regulations as shall be prescribed by the by-laws of the corporation; provided, no transfer shall be valid until recorded by the cashier, and in his absence by one of the directors, in a book for that purpose, nor until the person making the same shall have previously discharged all debts and liabilities due from him to said corporation.



SEC. 10. The corporation hereby created shall have power :

*First*, To receive moneys on deposit or in trust, at such rate of interest or on such terms as may be agreed upon, the rate of interest to be allowed for deposits not exceeding the legal rate.

*Second*, To accept and execute all such trusts, of every description, not inconsistent with the laws of this State, as may be committed to them by any person or persons whomsoever, or by any corporation, or by order of the Supreme Court, probate court, or other court of record of this State.

*Third*, To take and accept, by grant, assignment, transfer, devise or bequest, and hold any real or personal estate on trusts created in accordance with the laws of this State, and execute such legal trusts on such terms as may be declared, established or agreed upon in regard thereto ; and in case no terms are declared, established or agreed upon, then the trust property is only to be invested as provided by the terms of this act.

*Fourth*, To accept from and execute trusts for married women, in respect to their separate property, whether real or personal, and act as agents for them in the management of such property.

*Fifth*, To accept deposits where public officers or municipal or private corporations are authorized or required by law to deposit money in bank ; and such deposits may be made by such officers or corporations with the said Vermont State Trust Company.

SEC. 11. The directors of said corporation may make such by-laws and regulations as they may deem necessary and proper, not inconsistent with this act or the laws of this State.

SEC. 12. Any trust property confided to said corporation shall be invested only according to the terms of the trust.

SEC. 13. The corporation shall be allowed as compensation for the care of trust property, the investment and collection of the same, and for other services rendered in the execution of each trust, such sum as shall be agreed upon, and in the absence of any agreement, such compensation as is fixed by the by-laws or regulations of said company in force at the time such trust is created.

SEC. 14. The directors and other officers of said corporation may at their discretion pay to any minor or married woman such sum as may have been deposited by him or her, and may be due to him or her, the same as if such minor was of age, and such married woman unmarried; and the check, receipt or acquittance of such minor or married woman shall be a full discharge for the amount for which it is given.

SEC. 15. Where no special direction or agreement is made by those making deposits, or leaving trust property with said corporation, as to the character of the investments thereof to be made, such investments shall be made by said corporation only as follows:

In the purchase of stocks or bonds of the United States bonds of any of the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island or New York,—or bonds of any of the towns or cities in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut or Rhode Island,—or in loans secured by any of the said bonds named in this section, or by a first mortgage on unencumbered real estate in this State, at one-half its value, or secured by bank stock, at two-thirds its value; provided, that no bank stock shall be taken as collateral security for any loan, unless accompanied by a certificate from the cashier or president of such bank, that such stock is free from any lien in favor of such bank or any person.

SEC. 16. **Acts and Resolves 1869** No loan shall be made directly or indirectly to any director or officer or employee of said corporation, and



for any violation of this section, the director or officer making the same shall be liable to the corporation for the amount so loaned.

SEC. 17. Said corporation shall be liable at all events, the act of God and the public enemies only excepted, for all deposits, and for the safe keeping of all bonds and other securities received by said corporation in trust; provided, that in case of the dissolution of said company, by act of law or otherwise, the debts due from said company, incurred by deposits in favor of minors, insane persons, or married women,—such deposit having been made for married women in their own right,—shall have a preference and be satisfied before any other debts due from said corporation are paid.

SEC. 18. This act shall not be construed to confer on said corporation any right or power to make any contract, or to accept or execute any trust whatever, which it would not be lawful for any individual, under the general rules of law which are or shall be in force, to make, accept or execute.

SEC. 19. This corporation shall be subject to all the provisions of sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four and thirty-five, of chapter eighty-six of the General Statutes, relating to private corporations, savings banks, or other moneyed corporations.

SEC. 20. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment; and no dividends shall be made or declared upon the capital stock of said corporation, until the same are actually earned and realized over and above all losses and expenses.

SEC. 21. Any president, director or other officer of said corporation, who shall misapply or divert the moneys, funds,



or other trust property confided to and accepted by said corporation, from the purposes and objects prescribed by this act, or who shall participate in such misapplication or diversion, shall on conviction thereof be punished by imprisonment in the State Prison, not to exceed five years, and be fined not to exceed one thousand dollars, or either of said punishments, in the discretion of the court.

SEC. 22. The Legislature shall have power at any time hereafter to repeal, alter or modify this act, or any of its provisions.

SEC. 23. This act shall take effect from its passage.

Approved, November 15, 1869.

No. 131.—AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF RUTLAND," APPROVED NOVEMBER 15, 1847, AND IN ALTERATION AND AMENDMENT OF AN ACT IN AMENDMENT THEREOF, APPROVED NOVEMBER 9, 1865.

SECTION

1. Time of holding annual meetings.
2. Election of officers.

SECTION

3. Appointment of fire wardens.
4. Repeal of acts inconsistent.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The annual meetings of said village shall be holden at two o'clock in the afternoon, instead of seven o'clock, as heretofore provided, and shall not be closed until after five o'clock in the afternoon of the same day. The box for receiving ballots at such meetings shall be open at two o'clock in the afternoon, and shall remain open three hours when it shall be closed.

SEC. 2. The moderator, clerk, treasurer, collector and trustees of said village shall be elected by ballot, in the following manner: Every person legally qualified to vote for said officers shall deliver in his own proper person, to the

presiding officer of the meeting, his vote for such officers on one ballot, with the names of the persons he would elect, fairly written or printed thereon, designating the offices intended for the persons voted for respectively. On closing the box as above required, the presiding officer and the clerk shall proceed to sort and count the votes thus given, and make a list of the persons voted for, which list shall be certified and signed by said presiding officer and clerk, and recorded by the clerk in the records of said village; and the persons having the greatest number of votes for said offices respectively shall be deemed to be elected thereto, and shall be so declared by said presiding officer.

SEC. 3. The fire wardens of said village, instead of the present mode of election, shall be appointed, and may at any time be removed, by a majority of the board of trustees in their discretion. A certificate of all such appointments and removals shall be filed with the clerk, and by him recorded in the records of said village.

SEC. 4. All acts and parts of acts heretofore passed, inconsistent with the provisions of this act, are hereby repealed.

Approved, November 13, 1869.



345.43

ACTS AND RESOLVES  
PASSED BY THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT,  
AT THE  
FIRST BIENNIAL SESSION, 1870.



PUBLISHED BY AUTHORITY.

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MONTPELIER :

J. & J. M. POLAND'S STEAM PRINTING WORKS.

Acts and Resolves 1870  
1870.

NO. 113.—JOINT RESOLUTION DIRECTING THE GOVERNOR TO PURCHASE THE PAINTING OF THE LATE GOVERNOR ROYCE.

*Resolved by the Senate and House of Representatives :*

That the governor be authorized to purchase, for the use of the state-house, of the artist, Geo. C. Ellsworth of Berkshire, his picture of the late Governor Royce.

C. H. JOYCE,

*Speaker of the House of Representatives.*

GEO. N. DALE,

*President of the Senate.*

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NO. 114.—JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO CONTRACT WITH JULIAN SCOTT FOR A HISTORICAL PAINTING, ILLUSTRATING VERMONT TROOPS IN ACTION.

*Resolved by the Senate and House of Representatives :*

That the governor be authorized in his discretion to contract with Julian Scott for the execution of a historical painting, illustrating the Vermont troops in action in some

noted battle of the late war, to be hung in the state-house in commemoration of the valor of our soldiers.

C. H. JOYCE,

*Speaker of the House of Representatives.*

GEORGE N. DALE,

*President of the Senate.*

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No. 126.—AN ACT IN RELATION TO RUTLAND  
GRADED SCHOOL-DISTRICT.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. That whenever the Rutland graded school-district shall, in accordance with the statutes in such case made and provided, vote to build a school-building for the use and accommodation of said district, and select a site for the same, said district is authorized and empowered, by vote of the majority of the legal voters thereof in a meeting legally warned and held for that purpose, to empower the board of trustees of said district to borrow money not exceeding forty thousand dollars in amount, at a rate of interest not exceeding seven and three-tenths per cent., nor for a longer term than fifteen years, as said district may determine, to purchase a site for, build and furnish said school-building; and the board of trustees of said district shall have the power in pursuance of said vote to issue the notes or bonds of said district with interest coupons attached, duly countersigned and registered by the treasurer of said district, and payable at such time and at such rates of interest not exceeding the time, amount and rate above specified, as said district may by vote determine.

SEC. 2. This act shall take effect from its passage.

Approved, November 22, 1870.

time the indebtedness of said corporation exceeds the amount aforesaid, the directors and stockholders of said corporation shall be personally liable for such excess to the creditors of said corporation.

SEC. 3. This act shall be subject to the control of future legislatures, to alter, repeal or amend, as the public good may require, and also to the provisions of chapter eighty six of the general statutes relating to private corporations.

SEC. 4. This act shall take effect from its passage.

Approved, November 22, 1870.

# No. 156.—AN ACT TO INCORPORATE THE SMITH TOWN CHEESE FACTORY ASSOCIATION.

## SECTION

1. Corporators; name; purpose; powers, rights and privileges.
2. First meeting.
3. Capital stock; par value of shares.

## SECTION

4. Limitation of indebtedness.
5. Subject to future legislation and general laws.
6. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. Andrew J. Mead, David Wing, Chauncey T. Gorham, Joseph Chapman, O. D. Young, Elijah W. Smith, and their associates and successors, are hereby constituted a corporation by the name of the Smithtown cheese factory company, for the purpose of manufacturing and selling butter and cheese in the county of Rutland; and by that name may

and be sued; may have a common seal and alter the same at pleasure; and have and enjoy all the rights and privileges incident to corporations; and may purchase, hold, and convey real and personal estate as the business of the company may require.

SEC. 2. The first meeting of said corporation shall be held at such time and place as may be agreed upon by the persons named in this act, or a majority of them, notice of which shall be given to all the corporators named in this act at least six days prior to such meeting; and at such meeting and all other legal meetings, said corporation may make, alter, amend or repeal such by-laws, rules and regulations for the management of its affairs as a majority may direct, not inconsistent with the laws of this state or of the United States.

SEC. 3. The capital stock of said corporation shall not be less than three thousand dollars and shall not exceed ten thousand dollars, and may be divided into as many shares and may be sold and transferred in such manner, and assessments made thereon, as such company may from time to time direct.

SEC. 4. This corporation shall not at any time contract debts exceeding in amount three-fourths of its capital stock actually paid in, no part of which shall afterwards be withdrawn or in any manner diverted from the proper business of such corporation; and if such indebtedness shall exceed that amount, the directors and stockholders shall be personally liable to the creditors of such company for the excess.

SEC. 5. This act shall be subject to the control of future legislatures, to alter, amend, or repeal, as the public good may



require, and also to the provisions of chapter eighty-six of the general statutes relating to corporations.

SEC. 6. This act shall take effect from its passage.

Approved, November 22, 1870.

No. 157.—AN ACT TO INCORPORATE THE VERMONT DETECTIVE AND ASSURANCE ASSOCIATION.

SECTION

1. Corporators; name; powers, rights and privileges.
2. First meeting, when and where held; by-laws; capital stock.

SECTION

3. Limitation of indebtedness.
4. Subject to future legislation.
5. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Luman A. Drew, I. M. Tripp, George F. Skiff, Edward Gorham, George Crawford, M. C. Stewart, and J. M. Downing, their associates and successors, are hereby constituted a corporation for the purpose of aiding in the detection of crime, the recovery of stolen or embezzled property, and the bringing of criminals to justice, by the name of the Vermont detective and assurance association, and by that name may sue and be sued, may purchase, hold and convey such real and personal estate as may be necessary for carrying on the business of said corporation, and shall be vested with and subject to all the rights, powers, privileges, and liabilities incident to corporations.

SEC. 2. The first meeting of said corporation shall be held at such time and place as shall be designated by a majority of the persons named in this act; and at such meeting and at any and all other legal meetings, a majority of said corporation may make, and having made, may alter, amend, and add to such by-laws, rules and regulations for the management of the business of said company, as shall be consistent with the laws of this state and of the United States; may determine the amount of their capital stock, subject to the limitations of chapter eighty-six of the general statutes, and divide the same into as many shares, and provide for the sale and transfer of the same, as such majority shall deem best; may order and levy assessments thereon, and increase the said capital stock from time to time whenever such majority may deem it conducive to the successful prosecution of the business of said corporation.

SEC. 3. No part of the capital stock shall be withdrawn or in any way diverted from the proper business of said corporation; and said corporation shall not at any time contract debts to an amount exceeding three-fourths of the capital stock paid in; and if at any time the indebtedness of said corporation shall exceed the amount aforesaid, the directors and stockholders of said corporation shall be personally liable for such excess to the creditors of said corporation.

SEC. 4. This act shall be under the control of any future legislature, to alter, amend or repeal, as the public good may require.

SEC. 5. This act shall take effect from its passage.

Approved, November 23, 1870,



# No. 181.—AN ACT TO INCORPORATE THE GREEN MOUNTAIN MARBLE COMPANY.

## SECTION

1. Corporators ; name ; purpose ; powers, rights and privileges.
2. First meeting, how called ; by-laws ; capital stock ; limitation of indebtedness ; lia-

## SECTION

- bility of stockholders and directors.
3. Subject to future legislation and the general laws.
6. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. David Morgan, Charles E. Chase, L. D. Hurd, R. A. Evans, Charles E. Chase, Jr., William Barron, H. P. Morgan, their associates, successors and assigns, are hereby constituted a corporation and body politic, by the name of the Green Mountain marble company, for the purpose of quarrying, manufacturing, buying and selling marble, and carrying on the marble business in a general manner ; and by that name may sue and be sued ; may have a common seal, and the same alter at pleasure ; may purchase, hold, and convey real and personal estate ; and may have and enjoy all the rights, privileges and powers incident to corporations.

SEC. 2. The first meeting of said corporation may be holden at such time and place as may be agreed upon by the persons named in this act, or a majority of them ; and at said meeting, or at any legal meeting, they may make and alter such by-laws, rules and regulations for the management of the business of said company as the majority may direct, not repugnant to the laws of this state and the United States ; and may fix the amount of their capital stock, and divide the same into as many shares, and provide for the transfer thereof, as they may from time to time deem expedient.

cient; and may increase the same to an amount not exceeding five hundred thousand dollars, as the majority of the stockholders shall decide; that said corporation shall not at any time contract debts exceeding two-thirds of the capital stock actually paid in, no part of which shall be withdrawn or diverted from the business of said company; and if at any time the indebtedness of said corporation shall exceed that amount, the stockholders and directors shall be personally holden to the creditors of said corporation for such excess.

SEC. 3. This act shall be subject to the control of any future legislature, to alter, amend, or repeal, and shall be subject to the provisions of chapter eighty-six of the general statutes, entitled "of private corporations."

SEC. 4. This act shall take effect from its passage.

Approved, November 10, 1870.

No. 182.—AN ACT TO INCORPORATE THE NEW  
AEMRICAN MARBLE COMPANY.

SECTION

1. Corporators; name; rights, powers, privileges, and franchises.
2. First meeting, how called; by-laws; capital stock.

SECTION

3. Limitation of indebtedness; liability of directors.
4. Subject to future legislation and all general laws.
5. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SE. 1. John M. Hall, Charles Woodhouse, and Rockwood Barrett, and their associates and successors, are hereby constituted a corporation by the name of the New American marble company ; and by that name may have perpetual succession ; may sue and be sued ; may have a common seal, and the same alter at pleasure ; and shall have and enjoy all the rights, powers, privileges and franchises incident to corporations, for the purpose of quarrying, transporting, manufacturing, buying and selling marble, and for the transaction of such other business as may be incident thereto ; may purchase and hold such real and personal estate, rights, franchises, and privileges, as said corporation may deem desirable, and may convey the same as the business of said company may require ; may build roadways, and lay down tracks of wood or iron, within the town of Rutland, for the transportation of materials and the products of any quarry or quarries said corporation may own, and for no other purpose, so as to connect at the nearest and most convenient point with the railroad now running through West Rutland, upon such terms and conditions as shall first be agreed upon in writing between said corporation and the managers of said railroad ; and in case of a disagreement between said company and any owners of a quarry or quarries, or other real estate, the county court for the county of Rutland may appoint a committee to adjust such disagreement or land damages, the same as though said company were a railroad corporation, under and by virtue of chapter twenty-eight of the general statutes.

SEC. 2. The first meeting of said corporation shall be held at such time and place as may be agreed upon by the



persons named in this act, or a majority of them ; and previous notice thereof shall be given to each corporator ; and at such meeting, and all other legal meetings, said corporation may make, alter, and repeal such by-laws, rules and regulations for the management of the business of said corporation as a majority vote may direct ; and may fix the amount of their capital stock, and divide the same into as many shares, and provide for the transfer thereof, as they may from time to time deem expedient ; and may increase the same from time to time to any sum not exceeding two hundred thousand dollars, as may be deemed expedient.

SEC. 3. No part of the cash capital of said corporation paid in shall be withdrawn or in any manner diverted from the business of the said corporation while it shall continue to do business ; and said corporation shall not contract debts or incur liabilities at any time to an amount exceeding three fourths of its capital stock actually paid in ; and if at any time the indebtedness of said corporation shall exceed that amount, the directors assenting thereto shall be liable and personally holden to the creditors of said company for such excess.

SEC. 4. This act shall be subject to the control of future legislatures, to alter, repeal, or amend, as the public good may require, and to any and all general laws of this state now or hereafter in force.

SEC. 5. This act shall take effect from its passage.

Approved, November 22, 1870.

No. 183.—AN ACT TO INCORPORATE THE SUTHERLAND FALLS MARBLE COMPANY.

## SECTION

1. Corporators; name; purpose; powers, rights and privileges.
2. First meeting, how called; by-laws; capital stock; limitation of indebtedness; lia-

## SECTION

1. Liability of the stockholders and directors.
3. Subject to future legislation and general laws.
3. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. John Prout, John B. Page, John J. Myers, John R. Reynolds, Redfield Proctor, and their associates, successors, and assigns, are hereby constituted a corporation and body politic by the name of the Sutherland Falls marble company, for the purpose of quarrying, manufacturing, buying and selling marble, and carrying on the marble business in a general manner; and by that name may sue and be sued, may have a common seal, and the same alter at pleasure, may purchase, hold, and convey real and personal estate, and may have and enjoy all the rights, privileges and powers incident to corporations.

SEC. 2. The first meeting of said corporation may be holden at such time and place as may be agreed upon by the persons mentioned in this act, or a majority of them; and at said meeting, or at any legal meeting, they may make and alter such by-laws, rules, and regulations for the management of the business of said company as the majority may direct, not repugnant to the laws of this state and the United States; and may fix the amount of the capital stock, and divide the same into as many shares, and provide for the transfer thereof, as they may from time to time deem expedient, and may increase the same as the

majority of the stockholders shall decide; no part of the capital stock shall be withdrawn, or in any way diverted from the proper business of said corporation: provided, that no debts shall at any time be contracted to a greater amount than three-fourths of the actual paid up capital of said company; and if at any time the indebtedness of said company shall exceed three-fourths of the capital actually paid in, the stockholders and directors shall be personally holden to the creditors of said corporation for such excess.

SEC. 3. This act shall be subject to the control of any future legislature, to alter, amend, or repeal, and shall be subject to the provisions of chapter eighty-six of the general statutes, entitled "of private corporations," and all laws which may be hereafter passed applicable to private corporations.

SEC. 4. This act shall take effect from its passage.

Approved, November 17, 1870,

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No. 205.—AN ACT IN ADDITION TO THE ACT  
INCORPORATING THE RUTLAND RAILROAD  
COMPANY, APPROVED MARCH 28, 1867.

## SECTION

1. Authority granted to issue bonds, with interest not exceeding eight per cent.
2. Capital stock may be increased to an amount equal to the value of the road, with certain restrictions.

## SECTION

3. Authority granted to construct branch roads to quarries, &c., on its line, except to West Rutland.
4. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The Rutland railroad company is hereby authorized to issue their notes or bonds for the purposes provided in section ninety-seven of chapter twenty-eight of the general statutes, at a rate of interest not exceeding eight per cent.

SEC. 2. The capital stock of said corporation may be increased by the directors to an amount sufficient to represent the value of its property, not to exceed, however, the present cost of said road, its equipment, lands and docks and such further cost of further construction of road and docks, and further equipment, as may, in the judgment of the directors, be necessary.

SEC. 3. Said corporation is authorized to construct branches to quarries and mills in the several towns on its line, as its interests and the public good may require: provided, that said corporation shall not hereby have or acquire any right to build a branch railroad to the quarries and mills at West Rutland.

SEC. 4. This act shall take effect from its passage.

Approved, November 8, 1870.

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No. 241.—AN ACT IN ADDITION TO AN ACT TO  
INCORPORATE THE VILLAGE OF RUTLAND,  
APPROVED NOVEMBER FIFTEENTH, EIGHTEEN  
HUNDRED AND FORTY-SEVEN.

## SECTION

1. Trustees to erect and maintain pound; and appoint pound-keeper; record of appointment to be made in village record.

## SECTION

2. Fees of pound-keeper.
3. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. The trustees of the village of Rutland, or a majority of them, are hereby authorized, and it is hereby made their duty, to cause to be kept and maintained in said



village, at the expense of said village, a good and sufficient pound for the impounding of all beasts liable by law to be impounded; and said trustees shall appoint a pound-keeper for said village, who shall hold his office until removed by said trustees, a record of whose appointment shall be made in the records of said village by its clerk.

SEC. 2. Said pound-keeper shall be entitled to the same fees, and subject to all the duties imposed upon pound-keepers of the several towns in this state, and as provided in chapter one hundred of the general statutes.

SEC. 3. This act shall take effect from its passage.

Approved, November 18, 1870.

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purpose of completing and furnishing the roads  
said companies respectively.

SEC. 2. This act shall take effect from its passage.

Approved, November 22, 1870.

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No. 258.—AN ACT IN AMENDMENT OF AN ACT  
ENTITLED "AN ACT TO ENABLE THE TOWNS  
IN THE COUNTIES OF ADDISON AND RUTLAND  
TO AID IN THE CONSTRUCTION OF THE  
ADDISON RAILROAD."

*It is hereby enacted by the General Assembly  
of Vermont:*

SEC. 1. Section one of an act entitled "an act  
to enable the towns in the counties of Addison and Rutland  
to aid in the construction of the Addison railroad," approved  
September 19, 1868, is so amended as to read as follows:

Any town in Addison and Rutland counties may aid in  
the construction of said Addison railroad, by subscribing  
stock in said road, or by issuing bonds to aid in the same,  
in such other manner as said town shall direct. No  
town shall assume any liability for said road in excess of  
eight times the grand list of said town at the time the aid  
is granted.

SEC. 2. This act shall take effect from its passage.

Approved, October 25, 1870.

No. 272.—AN ACT IN ADDITION TO, AND IN AMENDMENT OF THE ACTS PROVIDING FOR BUILDING A NEW COURT-HOUSE IN THE COUNTY OF RUTLAND, AND FURTHER PROVIDING FOR THE FURNISHING OF THE SAME.

## SECTION

1. Certain authority vested in the assistant judges of the county court.
2. Judges directed to procure certain laws.

## SECTION

3. Judges to audit the account of the commissioners.
4. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*



SEC. 1. The authority vested by an act entitled "an act providing for building a court-house in the county of Rutland, and laying a tax on said county," approved November 19, 1868, in the commissioners therein named, to sell the lot on which the former court-house stood, and the materials saved from the said old court-house, or any part of the said lot and materials, is hereby transferred to and vested in the assistant judges of the county court of said county; and so much of the said act as vests the said authority in the said commissioners is hereby repealed.

SEC. 2. The said judges are hereby authorized to procure, at the expense of said county, a complete set of the published acts and laws of each session of the general assembly of this state, and also of the published journals and documents of each session of the general assembly, or of either of its branches, and also of the United States statutes at large, and also to procure the same to be suitably bound; and the same, when procured, shall be kept as the property of said county, in the court-house at Rutland, under the charge of the county clerk.

SEC. 3. The said judges are also hereby authorized to audit the accounts of the commissioners for erecting and furnishing the said court-house named in the said act, for their time, expenses, and services as such commissioners; and to draw orders on the county treasurer for the payment of the amounts allowed by them on such accounts.

SEC. 4. This act shall take effect from and after its passage.

Approved, November 22, 1870.

No. 273.—AN ACT LAYING A TAX ON THE  
COUNTY OF RUTLAND FOR THE PURPOSE OF  
PAYING THE INDEBTEDNESS OF SAID COUNTY.

## SECTION

1. Tax of nine per cent. assessed for purpose of meeting deficiency in treasury.
2. Treasurer directed to issue warrants.

## SECTION

3. Selectmen to make out and deliver tax-bills.
4. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. There is hereby assessed a tax of nine cents on the dollar on the lists of polls and ratable estate in the several towns in the county of Rutland, for the year one thousand eight hundred and seventy, for the purpose of meeting the deficiency in the treasury of said county, and paying the indebtedness of said county.

SEC. 2. The treasurer of said county is hereby directed, on or before the first day of January, A. D. 1871, to issue warrants to the first constables of the several towns in said county, for the collection of said tax, in the same manner as by law state taxes are required to be collected.

SEC. 3. The selectmen of the several towns in said county shall make out and deliver to the first constable of their respective towns, in the month of January, A. D. 1871, a tax-bill for the collection of said tax, in the same manner as is required by law for the collection of state taxes; and the said first constable shall collect and pay to the treasurer of said county the amount of said tax, on or before the first day of June, 1871.

SEC. 4. This act shall take effect from its passage.

Approved, November 22, 1870. Acts and Resolves 1870

ACTS AND RESOLVES  
PASSED BY THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT,  
AT THE  
FOURTH BIENNIAL SESSION, 1876.



PUBLISHED BY AUTHORITY.

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RUTLAND:  
TUTTLE & COMPANY, PRINTERS AND PUBLISHERS,  
1876.  
**Acts and Resolves 1876**



twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four and thirty-five of chapter eighty-six of the general statutes, relating to private corporations, savings banks, or other moneyed corporations, and all general laws relating to savings banks, and to savings banks and trust companies, now in force or that may hereafter be passed.

SEC. 19. The legislature shall have power at any time hereafter to repeal, alter, or amend this act, or any of its provisions.

SEC. 20. This act shall take effect from its passage.

Approved, November 28, 1876.

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NO. 181.—AN ACT IN AMENDMENT OF AN ACT  
ENTITLED “AN ACT TO INCORPORATE THE  
MERCANTILE TRUST COMPANY.”

*It is hereby enacted by the General Assembly of the  
State of Vermont :*

SEC. 1. Section sixteen of an act entitled “An act to incorporate the Mercantile Trust Company,” approved November 24, 1874, is hereby so amended as to extend the time during which the subscription books are therein required to be opened, until the first day of December, one thousand eight hundred and seventy-eight.

SEC. 2. This act shall take effect from its passage.

Approved, October 24, 1876.

SEC. 17. This act shall take effect from its passage, and shall be at all times under the control of the legislature of this State to alter or repeal.

SEC. 18. At the first meeting of the legal voters of said village of North Troy, to be holden as provided in section sixteen of this act, the justices warning said meeting shall insert in such warning an article as follows: "To see if the legal voters of the village of North Troy will accept and approve of the act of incorporation of said village." And if a majority of the legal voters present at such meeting are in favor thereof, then this act shall be in full force, otherwise of no effect.

Approved, November 28, 1876.

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NO. 191.—AN ACT AUTHORIZING THE VILLAGE OF RUTLAND TO BORROW MONEY ON TIME TO INCREASE AND EXTEND ITS PRESENT SUPPLY OF WATER.

SECTION

1. Trustees under a vote of village authorized to borrow money for extension of water sources and supplies, and issue bonds therefor.
2. Water rents to be paid to village treasurer.

SECTION

3. Disbursement of such money, how made.
4. Treasurer to give bonds.
5. Engineers of village may be appointed and removed by trustees.
6. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. That whenever the village of Rutland, in accordance with the provisions of the statutes for such purposes provided, shall vote to increase and extend its present supply of water, for the use of said village and its inhabitants, said village of Rutland is hereby authorized and empowered, by vote of the majority of the legal voters of said village present at a meeting legally warned and held for that purpose, to empower the board of trustees of said village of Rutland to borrow money, not exceeding in amount twenty-five thousand dollars, for a term not longer than fifteen years, at a rate of interest not exceeding six per cent. per annum, payable semi-annually, as said village in said meeting shall determine, to defray the expenses of such increase and extension of the supply of water for said village, and the said board of trustees of said village shall have the power and authority in pursuance of said vote to issue the notes or bonds of said village of Rutland, with interest coupons attached duly countersigned and registered by the treasurer of said village, payable at such time, not exceeding the time above specified, as said village of Rutland may by vote determine.

SEC. 2. All moneys collected by the collector of taxes for said village upon the list of water rents, as delivered to said collector for collection by the water commissioners of said village, and all water rents received by said commissioners shall be paid by them to the treasurer of said village.

SEC. 3. The treasurer of said village shall open an account for the moneys paid into the treasury as water rent, and shall pay therefrom, first: the interest due and becoming due on all bonds or notes issued by said village or its



water commissioners, for the purpose of supplying said village with water, or in the construction of any reservoir connected therewith; and, second, to pay any balance on hand upon the order of the water commissioners or a majority of them.

SEC. 4. The treasurer of said village shall give bonds for the discharge of the duties of his office to the satisfaction of the trustees, in the sum of not less than five thousand dollars.

SEC. 5. The chief, first and second engineers, instead of the present mode of election, shall be appointed, and may at any time be removed by a majority of the board of trustees in their discretion.

SEC. 6. This act shall take effect from its passage.

Approved, November 27, 1876.

No. 201.—AN ACT ANNEXING THAT PORTION  
OF THE TOWN OF FAIR HAVEN LYING  
WEST OF POULTNEY RIVER TO THE STATE  
OF NEW YORK.

## SECTION

1. All of Fair Haven lying west  
of Poultney river ceded to  
New York.

## SECTION

2. To take effect.

*It is hereby enacted by the General Assembly of the  
State of Vermont :*

SEC. 1. All that portion of the town of Fair Haven, in the county of Rutland, and State of Vermont, lying westerly from the middle of the deepest channel of Poultney river as it now runs, and between the middle of the deepest channel of said river and the west line of the State of Vermont, as at present established, is hereby ceded and relinquished to the State of New York in full and absolute right and jurisdiction.

SEC. 2. This act shall not take effect until the State of New York shall have assented to the same, nor until the same shall have been approved by an act of the Congress of the United States.

Approved, November 27, 1876.

SEC. 2. The treasurer of said county is hereby directed, on or before the first day of December, A. D. 1876, to issue warrants to the collectors of taxes in the several towns in said county, for the collection of said tax, in the same manner as by law State taxes are required to be collected.

SEC. 3. The selectmen of the several towns in said county shall make out and deliver to the collectors of taxes in their respective towns, in the month of December, A. D. 1876, a tax bill for the collection of said tax, in the same manner as is by law required for the collection of State taxes; and the said collector shall collect and pay to the treasurer of said Orange county the amount of said tax, on or before the first day of March, A. D. 1877.

SEC. 4. This act shall take effect from its passage.

Approved, October 24, 1876.

## No. 207.—AN ACT TO PROVIDE FOR THE BUILDING OF A JAIL IN THE COUNTY OF RUTLAND.

### SECTION

1. Commissioners to act with commissioners appointed by the State, with proviso; authorized to sell the jail property; avails thereof to be paid to county treasurer, and held for certain purposes.
2. Tax of nine cents on a dollar

### SECTION

- of the grand list assessed; purpose.
3. Treasurer directed to issue warrants for collection of tax.
4. Selectmen to make and deliver tax bills; payment of tax, when made.
5. Compensation of collector.



*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Redfield Proctor of Rutland, Cyrus Jennings of Hubbardton, and Lyman Batcheller of Wallingford, are hereby appointed commissioners for the purpose of acting in behalf of the county of Rutland, for the erection of a jail, in connection with a State workhouse, in the county of Rutland; provided, the commissioners, hereafter to be appointed by the governor of Vermont, shall locate said workhouse in said county; and said commissioners are hereby authorized to sell the old jail and lot, and also the new jail lot, so called, and shall pay the avails thereof over to the county treasurer, and may draw their orders on the said treasurer for the sum of twenty thousand dollars, in favor of the treasurer of the State of Vermont. Said commissioners shall not, in any manner, pledge the credit of the county for any sum in excess of said twenty thousand dollars, including the amount received from the sale of said old jail and the two jail lots.

SEC. 2. There is hereby assessed a tax of nine cents on the dollar on the list of the polls and ratable estate in the several towns in said county, for the year 1877, for the purpose hereinabove specified; but said taxes are not to be assessed unless the State workhouse is located in said county of Rutland, and in such manner as, in the opinion of said commissioners, to answer the requirements of the county for a jail.

SEC. 3. The treasurer of said county is directed, on or before the first day of June, 1877, to issue his warrants for the collection of **Acts and Resolves 1876** of taxes in the

several towns of said county, in the same manner as by law State taxes are required to be collected.

SEC. 4. The selectmen of said several towns shall make out and deliver to said collectors of taxes, in their respective towns, in the month of June, A. D. 1877, a tax bill for the collection of said tax, and the proceeds thereof shall be paid into the treasury of said county, on or before the first day of October, A. D. 1877.

SEC. 5. Instead of the credit mentioned in section sixty-four of chapter eighty-four of the general statutes, the treasurer of said county shall credit such collector of taxes of said towns one-fortieth part of the sum contained in the warrant by him issued to such collector respectively, who shall be accountable to his town for so much of said fortieth part so credited as shall not be allowed by way of abatement to such collector.

Approved, November 28, 1876.

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No. 251.—AN ACT TO PAY JOHN L. TUTTLE  
THE SUM THEREIN NAMED.

*It is hereby enacted by the General Assembly of the  
State of Vermont :*

SEC. 1. The auditor of accounts is hereby authorized and directed to draw an order on the treasurer of the State for the sum of sixteen dollars and sixty cents, in favor of John L. Tuttle, it being for money and time spent in pursuing Daniel O'Brien, charged with assault with intent to kill.

SEC. 2. This act shall take effect from its passage.  
Approved, November 28, 1876.

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# ACTS AND RESOLVES

PASSED BY THE

## GENERAL ASSEMBLY

OF THE

# STATE OF VERMONT,

AT THE

FIFTH BIENNIAL SESSION, 1878.



PUBLISHED BY AUTHORITY.

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MONTPELIER:

J. & J. M. POLAND, OFFICIAL STATE PRINTERS.  
1878.

**Acts and Resolves 1878**

NO. 46.—AN ACT IN RELATION TO THE SHERIFF OF  
RUTLAND COUNTY.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. The sheriff of the county of Rutland, within one week after the governor shall issue his proclamation that the house of correction is ready for the reception of prisoners, shall cause to be transferred all the prisoners then confined in the jail of said county to said house of correction, and from and after such transfer he shall be relieved from all his duties and liabilities as keeper of the jail in said county.

SEC. 2. This act shall take effect from its passage.

Approved November 25, 1878.

No. 162—RESOLUTION RELATING TO EMPLOYMENT OF  
COUNSEL IN JOHN P. PHAIR'S MATTERS.

*Resolved by the Senate and House of Representatives :*

That the governor be requested to employ counsel, at the expense of the State, whose duty it shall be to represent the State in all matters pending before the legislature relating to relief for John P. Phair.

Approved October 25, 1878.

REDFIELD PROCTOR,

*Governor.*

E. P. COLTON,

*President of the Senate.*

JAMES L. MARTIN,

*Speaker of the House of Representatives.*



OF

## No. 179—AN ACT TO INCORPORATE THE RUTLAND COUNTY DISPENSARY.

### SECTION

1. Rights of corporation.
2. Meetings, how called.

### SECTION

3. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Merritt Clark, Ira C. Allen, N. T. Sprague, H. H. Baxter, Lorenzo Sheldon, George N. Bottum, William Y. W. Ripley,

John B. Page, Carlos S. Sherman, Middleton Goldsmith and James Porter, and others, their associates and successors, are hereby constituted a body corporate and politic by the said name of the Rutland County Dispensary, with all the usual appropriate corporate rights and privileges, and with full power to acquire, hold and convey personal and real property, and to use the same for the purpose of prescribing and furnishing medicines for the poor.

SEC. 2. Any two of the corporators aforesaid may call the first meeting of said corporation, by giving notice thereof in some weekly paper published in said county three weeks before the day of said meeting.

SEC. 3. This act shall take effect from its passage, and shall be at all times under the control of the legislature of this State to alter, amend or repeal.

Approved November 25, 1878.

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**NO. 187—AN ACT TO LEGALIZE CERTAIN BONDS ISSUED BY THE BENNINGTON AND RUTLAND RAILWAY COMPANY.**

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The Bennington and Rutland Railway Company having issued its bonds dated the first day of November, A. D. 1877—four hundred and seventy-five in number—each for the sum of one thousand dollars, payable twenty years from their dates, with interest at the rate of seven per cent. per annum, payable semi-annually, with interest coupons thereto attached, all payable to bearer, and secured by a mortgage upon the railroad and franchise, and real and personal estate of said company, executed to the Union Trust Company of New York, trustee, and bearing even date with said bonds; and the said railway company having made application for this purpose, the said bonds and coupons and mortgage are hereby declared to be valid, legal, and binding obligations and contracts according to their respective tenors upon and against the said Bennington and Rutland Railway Company.

SEC. 2. This act is declared to be a public act, and shall take effect from its approval.

Approved October 31, 1878.

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**No. 195—AN ACT TO INCORPORATE THE HOWE SCALE COMPANY, AND TO PROVIDE THAT THE BRANDON MANUFACTURING COMPANY MAY BE MERGED IN THE SAME.**

**SECTION**

1. Corporators; name; purpose; powers, rights and privileges; may have a common seal.
2. Officers: by-laws; capital, limitation thereof.
3. Location.
4. Brandon manufacturing company may be converted into this company; procedure therefor.
5. Capital stock may be increased to one million of dollars, if done by vote of stockholders.

**SECTION**

3. Liability for corporation debts, limit of.
7. Within one year from organization, certificate of paid up stock shall be filed in the office of the secretary of state; form of certificate; any part of capital withdrawn, directors shall be liable therefor; penalty of neglect to file said certificate; directors liable for excess of debts over capital stock.
8. Subject to future legislation and the general laws.
9. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. John B. Page, George A. Merrill, and William W. Reynolds, of Rutland, in the county of Rutland, and all others who are, or shall hereafter become associated with them, with their successors and assigns, are hereby made and established a body politic and corporate by the name of the Howe Scale Company, for the purpose of manufacturing scales and all kinds of weighing instruments, and all kinds of machines and machinery, and all kinds of implements, made in whole or in part from iron, brass, or other metals, and wood, or other materials, for grinding grain, and manufacturing fabrics, in the most advantageous manner, and for buying, selling and trafficking in the same, and mercantile purposes in connection with the aforesaid business in Rutland. By that name, they and their successors and assigns shall be, and they are hereby authorized to purchase, take, hold, occupy, possess and enjoy to them, their successors and assigns, any letters patent, and any goods, chattels and effects, of whatever kind they may be; the better to carry on such business in a profitable manner, also to purchase, take, hold, occupy and enjoy such lands, tenements, or hereditaments as shall be necessary for the accomplishment of the purposes of the corporation, and the same or any part thereof to sell and dispose of at pleasure, or to take a lease or leases of any such lands and real estate for a term or terms of years; also to sue and be sued, to plead and be impleaded, defend and be defended, answer and be answered to, in all courts of record or elsewhere.

Said corporation may have and use a common seal, which it may alter at pleasure. Said corporation may as a partner unite with other partners in establishing and maintaining in other of the United States, and in foreign countries, agencies or houses for the carrying on, management and transaction of the business of said corporation in such states and countries, in an economical and profitable manner.

SEC. 2. Said corporation shall have a president, treasurer and clerk, who shall be residents of this State, and a board of directors,

who may make, alter and amend such by-laws and regulations for the management of its affairs as a majority may direct, not repugnant to the constitution and laws of this State or of the United States; and may fix the amount of their capital stock, and provide for the transfer thereof, in such form as the directors may prescribe, provided that the capital stock shall not be less than one hundred thousand dollars, or exceed one million dollars, and provided further that the shares of said corporation shall not be less than one hundred dollars.

SEC. 3. Said corporation shall be located at Rutland, in the county of Rutland, and there have its office for the transaction of its business, and there hold its corporate meetings.

SEC. 4. The present stockholders of the Brandon Manufacturing Company, a corporation existing and doing business under an act approved October 29, 1868, under that name and style, at Rutland, in the county of Rutland, may become subscribers to the capital stock of this corporation, to an amount equal to their respective interests in said corporation, and their subscriptions may be paid by a conveyance or release to said corporation of their respective shares of stock in said Brandon Manufacturing Company, and receive therefor an equal number of shares of stock in this company, and such payment shall be deemed good and valid, as if paid in cash, and stock certificates may be issued for the full amount of the stock by them so subscribed and paid for as aforesaid,—and the corporation formed by this act shall assume and pay all liabilities and debts of said Brandon Manufacturing Company, and suit therefor may be maintained against said corporation in manner and form as if brought against said Brandon Manufacturing Company without this act. Whenever, and as soon as one hundred thousand dollars shall have been subscribed and paid, as provided in this section, said corporation may go into operation, and commence business.

SEC. 5. The directors may obtain at any time new subscriptions to the capital stock, until the same shall amount to one million dollars, always provided, that before the directors shall obtain subscriptions as aforesaid, they shall be authorized so to do by a vote of the stockholders, at a meeting specially called for that purpose, increasing the capital stock, directing the directors to open subscriptions for the same, and the then stockholders shall have the right to subscribe for such increase *pro rata*.

SEC. 6. For the debts which may at any time be due, from said corporation, the stockholders thereof shall not be responsible in their private capacity, but only the stock, property and estate of the corporation; but nothing in this act shall be construed to authorize or empower said corporation to use its funds or property for any banking purposes or transactions, or any business inconsistent with the provisions of section one of this act.

SEC. 7. The said corporation shall, within the period of one year next after the same shall become organized, lodge a certificate with the secretary of state, **Acts and Resolves 1878** capital stock actually paid



in and belonging to said corporation, which certificate shall be signed by the president and secretary of said corporation, and verified by their oaths; and also a like certificate of all subsequent instalments paid in, and new shares thereafter created, shall be verified and lodged in the same manner, and the amount of the capital stock thus verified shall not be withdrawn so as to reduce the same below the amount stated in the certificate; and if any part of the capital stock paid in and certified shall be withdrawn, by dividends or otherwise, without the consent of the general assembly, the directors consenting thereto shall be jointly and severally liable as traders in company, in case of the insolvency of said corporation at any period afterwards, for all debts owing by said corporation at the time of, or subsequently to, the reduction or diminution of the capital as aforesaid; and if such corporation shall be delinquent in filing with the secretary of state the certificate or certificates prescribed in this section, within the time herein prescribed, the directors of said corporation shall be jointly and severally liable as traders in company for all debts contracted by said corporation, while such delinquency of said corporation shall continue; and if the indebtedness of such corporation, including the indebtedness of the Brandon Manufacturing Company hereby assumed by this corporation, shall at any time exceed its capital stock, the directors of said corporation shall be jointly and severally liable for such excess to the creditors of said corporation.

SEC. 8. This act shall be under the control of the legislature to alter, amend, or repeal as the public good shall require, and the corporation hereby incorporated shall be subject to the provisions of chapter eighty-six of the general statutes of the State of Vermont, and all amendments thereof and in addition thereto, so far as the same are applicable to said corporation.

SEC. 9. This act shall take effect from its passage.

Approved November 14, 1878.



No. 203—AN ACT IN ADDITION TO AN ACT ENTITLED  
 “AN ACT TO INCORPORATE THE VILLAGE OF RUT-  
 LAND,” APPROVED NOVEMBER 15, 1847, WITH  
 AMENDMENTS SINCE 1865.

## SECTION

1. Election of fire department officers authorized; terms of office; duties of engineers.
2. Election of street commissioner authorized; duties in respect to highways, etc.
3. Duties of said commissioner with reference to monthly report of his

## SECTION

- doings.
4. Commissioner subject to removal by the board of trustees; vacancy thus created, how filled, with a proviso.
5. All acts inconsistent herewith repealed.
6. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The village of Rutland, at every annual meeting thereof, shall elect one chief engineer, one first assistant engineer, and one second assistant engineer, who shall hold their respective offices one year, and who shall be *ex officio* fire-wardens of said village, and have like power and authority as such fire-wardens; and the duties of said engineers shall be such as are or may be prescribed by the by-laws and ordinances of said village; and they shall also at all fires in said village, superintend all labor to extinguish the same, subject to the by-laws and ordinances of said village.

SEC. 2. Said village, at every annual meeting thereof, shall elect a street commissioner, whose duties shall be to superintend the highways, walks, ditches, gutters, sewers, lanes, crossings, and maintain the same, by causing to be built, repaired or otherwise, all highways, walks, ditches, gutters, sewers, lanes and crossings; and cause all snow, ice, or other obstructions to be removed from all walks, etc., whereby public travel may be thereby impeded, together with such other duties as are or may be prescribed by the general statutes of the State of Vermont, relating to highway surveyors.

SEC. 3. It shall be the duty of the street commissioner to publish each month, in a newspaper printed in said village, an exact account of his doings the month previous, giving the name and amount paid to each individual, and for what purpose; also the amounts expended upon each street separately, and for what purpose, whether for highway, walks, ditches, gutters, sewers, lanes, crossings, the removal of ice, snow, or other obstructions; and shall furnish a sworn statement to the board of trustees for said village, on the first day of each month except when such day shall be Sunday, in that case on Monday following, giving in detail all of his transactions in connection with the said village, of the previous month.

SEC. 4. Said street commissioner, as mentioned in section three, shall at all times be subject to removal by a majority of the board of trustees for any good and sufficient cause, such as an excess or a neglect, or a violation of his duty, or misfeasance in office; and in case

of such removal, said majority of the board of trustees may fill by appointment such vacancy which may thus occur, until an election shall be held for that purpose, at the annual meeting then next ensuing: provided, however, that said street commissioner, removed as aforesaid, shall hold his office until the vacancy may be filled as heretofore provided.

SEC. 5. All other acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 6. This act shall take effect from its passage.

Approved November 27, 1878.

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NO. 204—AN ACT TO AUTHORIZE THE VILLAGE OF  
RUTLAND TO BORROW MONEY ON TIME, TO IN-  
CREASE AND EXTEND ITS PRESENT WATER-SUP-  
PLY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. That whenever the village of Rutland, in accordance with the provisions of the statutes for such purposes provided, shall vote to increase and extend its present supply of water, for the use of said village and its inhabitants, said village of Rutland is hereby authorized and empowered, by vote of the majority of the legal voters of said village present at a meeting legally warned and held for that purpose, to empower the board of trustees of said village of Rutland to borrow money, not exceeding in amount thirty thousand dollars, for a term not longer than twenty years, at a rate of interest not exceeding six per cent. per annum, payable semi-annually, as said village in said meeting shall determine, to defray the expenses of such increase and extension of the supply of water for said village, and the said board of trustees of said village shall have the power and authority in pursuance of said vote to issue the notes or bonds of said village of Rutland, with interest coupons attached duly countersigned and registered by the treasurer of said village, payable at such time, not exceeding the time above specified, as said village of Rutland may by vote determine.

SEC. 2. This act shall take effect from its passage.

Approved October 24, 1878.



**No. 205—AN ACT TO AUTHORIZE THE VILLAGE OF  
RUTLAND TO FUND CERTAIN BONDS NOW OUT-  
STANDING.**

*It is hereby enacted by the General Assembly of the State of  
Vermont :*

SEC. 1. The village of Rutland is hereby authorized and empowered to fund its water-bonds now outstanding and already due and unpaid, and those which may mature hereafter, at the same rate of interest as specified in an act authorizing the village of Rutland to borrow money on time to increase and extend its present water-supply, approved October 24th, A. D. 1878.

SEC. 2. This act shall take effect from its passage.

Approved November 14, 1878.

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or the bonds or stock of any other railroad company, now or hereafter organized, whose road may connect with the Bennington and Rutland Railroad, or with any railroad connecting therewith, in such manner and direction as to afford to said Bennington and Rutland road, communication by railroad with New York, Albany or Boston. And to hold, or to sell, assign, or dispose of such bonds or stock, upon such terms as they may think proper, and to guarantee the payment of such bonds, or of dividends on such stock, and to make any contract incident thereto.

SEC. 2. The said Bennington and Rutland Railroad Company are hereby further authorized and empowered to issue their bonds, at a rate of interest not exceeding seven per cent. per annum, payable semi-annually, and to execute a mortgage or deed of trust of their said railroad and franchise or other property, or to pledge the income thereof, either for the purpose of securing the payment of said bonds, or of securing the performance of any guarantee or contract that may be made by said company, as authorized by the first section of this act.

SEC. 3. No contract shall be made by said company under the authority conferred by this act, until such contract shall be authorized by vote of the directors of said company, and approved by a vote of three-fourths in amount of the stockholders of said company, at a legal meeting thereof.

SEC. 4. This act shall take effect from its passage.

Approved, March 28, 1867.

# ACTS AND RESOLVES

PASSED BY THE

## GENERAL ASSEMBLY

— OF THE —

# STATE OF VERMONT

AT THE

FIFTH BIENNIAL SESSION, 1880.



PUBLISHED BY AUTHORITY.

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Acts and Resolves 1880

ROUTLAND:

TUTTLE & CO., OFFICIAL PRINTERS AND STATIONERS,  
TO THE STATE OF VERMONT.

1881.

SEC. 5. A person who does not make the returns required of him in the two preceding sections, shall be fined five thousand dollars, to be recovered in an action on the case by the town to which such return is required to be made.

SEC. 6. In assessing stockholders for stock in a manufacturing corporation or company, the value of its real or personal estate represented by such stock and taxed in this State or elsewhere, shall be deducted from the whole value of its stock, and the remaining value only shall be taxed; and in assessing for stock in all other corporations the value of its real estate taxed in this State or elsewhere, shall be deducted from the whole value of its stock, and the remaining value only shall be taxed.

SEC. 7. Any corporation whose officers neglect or refuse to make the returns required by this act shall forfeit and pay to the town to which such return should be made, the sum of five thousand dollars, to be recovered by the first person suing for the same, in an action founded upon this statute, in the name of and for the benefit of the town.

SEC. 8. Sections seventeen, thirty-nine, forty-five and forty-six of chapter eighty-three of the General Statutes, number six of the acts of 1865, number twenty-five of the acts of 1869, number forty-seven of the laws of 1870, number eight of the laws of 1874, and all of section one of number six of the acts of 1874, after the word "employed" in the eighth line, are hereby repealed.

Approved December 24, 1880.

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No. 84.—AN ACT EXEMPTING CERTAIN PROPERTY  
FROM TAXATION.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. A building, or building and real estate attached, owned by a post of the Grand Army of the Republic, and used for the purposes of the post only, shall, so long as it is so used, be exempt from taxation.

SEC. 2. This act shall take effect on the first day of April, 1881.

**Acts and Resolves 1880**

Approved December 24, 1880.



SEC. 2. Polls of members of the State militia may be exempt from taxation if their respective towns shall so vote.

SEC. 3. This act shall take effect from its passage.

Approved December 22, 1880.

No. 133—AN ACT TO COMPLETE MISS HEMENWAY'S GAZETTEER OF VERMONT HISTORY, AND THUS COMPLETE THE HISTORY OF ALL THE TOWNS FOR ONE HUNDRED YEARS.

SECTION

1. State librarian authorized to subscribe for twenty five sets.
2. Conditions upon which towns may be furnished with copy of the same.
3. Auditor to draw his order for balance due on town subscriptions.

SECTION

4. Character of work and limitation thereof.
5. Limitation of time in which to complete volumes four and five.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The State librarian is hereby authorized and directed to subscribe for twenty-five complete sets of Miss Hemenway's "Vermont Historical Gazetteer," at four dollars per volume; and as fast as the volumes are delivered at the library, and a certificate of the librarian showing such delivery is presented to the state auditor, said auditor shall draw an order in favor of the publishers for payment of the same.

SEC. 2. The publishers are hereby authorized to take one subscription to the same for each town in the State, at two dollars per volume, and after the same has been offered to any town at town meeting and not accepted, said town may furnish a substitute for the same.

SEC. 3. When the publisher shall furnish a certificate to the state auditor from the subscribing town, or substitute in said town, that any volume or volumes have been delivered and two dollars per volume paid thereon, said auditor shall draw his order in favor of the publisher, on the state treasurer, for the remaining two dollars per volume for the same.

SEC. 4. Volumes four and five shall complete the work, and shall contain the histories of Washington, Windham and Windsor counties, and a supplement for the first eleven counties, and be volumes of twelve hundred pages each, bound to match volumes one, two and three.

SEC. 5. Volume four shall be completed in the first part of the year 1882, and volume five in the year 1883; provided that no money for the purposes contemplated in this act shall be paid under the authority of number one hundred and forty-seven of the acts and resolves of the general assembly of 1878 entitled "A joint resolution relating to the Vermont Historical Gazetteer."

Approved December 23, 1880.

No. 134.—AN ACT TO PROVIDE FOR THE PARTICIPATION OF THIS STATE IN THE CENTENNIAL CELEBRATION OF THE SURRENDER OF CORNWALLIS AT YORKTOWN.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The governor is hereby authorized to detail, not exceeding two companies of militia, to represent this State at the centennial celebration of the battle and surrender at Yorktown, to be held on the nineteenth day of October, 1881, and the auditor of accounts is hereby authorized to draw his order on the treasurer for a sum not exceeding three thousand dollars to carry out the provisions of this act; but no per diem allowance or compensation shall be made to such force, or any part thereof.

Approved December 23, 1880.

No. 135.—AN ACT ESTABLISHING THE VERMONT BOARD OF AGRICULTURE.

SECTION

1. Certain persons to constitute the Vermont board of Agriculture; governor to fill vacancies in the board.
2. Compensation of members of board; expense of board limited.
3. Meetings of the board.

SECTION

4. Secretary of board to make biennial report to general assembly; board to direct printing of reports; distribution and expense of printing reports; expense of printing reports limited.
5. Certain laws repealed.
6. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The governor of the State, the president of the University of Vermont and State Agricultural College and six other persons appointed by the governor and



in providing suitable conveniences for the burial of the dead, and in defraying the necessary expenses in the care and management of the same, and for no other purposes.

SEC. 6. Each proprietor of a lot shall be deemed to hold such in fee simple to him and his heirs forever, to use such lot for the burial of the dead, and for no other purpose whatever, and subject to such conditions, restrictions and regulations as the trustees may from time to time adopt; but no rule or regulation shall be adopted to restrain any proprietor of a lot in the free exercise and enjoyment of his religious sentiments as to the burial of the dead.

SEC. 7. The cemetery lands, structures and property of the corporation, and lots of the proprietors, shall be exempt from taxation, nor shall the lots or property be liable to be levied upon or taken by execution, or to be applied in payment of debts of individual proprietors; but the proprietors of lots in such cemetery, their heirs and representatives, shall hold the same, and all monuments and structures thereon, exempt therefrom so long as the same shall remain appropriated to the use of a cemetery.

SEC. 8. This act shall take effect from its passage, and shall be under authority of any future general assembly to amend or repeal as the public good may require.

Approved December 24, 1880.

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NO. 167.—AN ACT TO AMEND AN ACT ENTITLED “AN ACT TO INCORPORATE THE EVERGREEN CEMETERY ASSOCIATION.”

SECTION

1. Amends section one of original act, granting additional privileges.

SECTION

2. Amends section seven of original act; proprietors of lots may vote by proxy.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Section two of an act entitled “An act to incorporate the Evergreen Cemetery Association,” approved November 23, A. D. 1860, is hereby so amended as to read as follows:

“Such corporation may take, by purchase or gift, and hold within the town of Rutland not exceeding two hundred acres of land, to be held and occupied for a cemetery for the burial of the dead, and for no other purpose; such corporation may also purchase or take by gift, and hold personal property to an amount



not exceeding fifty thousand dollars, and may use or sell the same, and apply the proceeds to promote the objects of the association."

SEC. 2. Section seven of said charter is hereby amended so as to read as follows :

98  
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"Every person who shall be the proprietor of a lot in the cemetery of the corporation, or if there be more than one proprietor of any such lot, then such one of said proprietors as a majority of the joint proprietors shall designate to represent such lot, may vote at the meeting of the corporation, either in person or by proxy duly authorized in writing."

Approved December 23, 1880.

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No, 168.—AN ACT DIRECTING THE STATE TREASURER TO DELIVER FUNDS IN HIS HANDS TO THE TREASURER OF THE GREEN MOUNT CEMETERY ASSOCIATION OF BURLINGTON.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. The state treasurer is hereby directed to deliver to the treasurer of the Green Mount Cemetery Association at Burlington the funds which were deposited with him by the commissioners appointed to superintend the erection of the statue of Ethan Allen in said cemetery, and which were the voluntary contributions of the citizens of this State.

SEC. 2. Said association shall hold the funds in trust and apply the income, or such portion thereof as may be necessary, in the care and preservation of the burial lots in the cemetery in Burlington in which Ethan Allen and his relatives were buried, and the monuments therein.

Approved December 23, 1880.

SEC. 3. The grand list which was designated, set apart and established as the grand list of said Fire District No. 2 in 1878, by the selectmen of said town of Manchester, as to all taxes which heretofore have been or which hereafter may be assessed thereon by said district, for and during the time said grand list shall remain in force, are hereby made and declared legal and valid.

SEC. 2. This act shall take effect from its passage.

Approved December 15, 1880.

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No. 176.—AN ACT TO INCORPORATE THE NEW ENGLAND FIRE INSURANCE COMPANY.

SECTION

1. Corporators ; name ; purpose ; powers, rights and privileges ; by-laws.
2. Capital stock ; limitation of personal responsibility.
3. Directors ; how chosen ; annual meeting, how called and when held.
4. Power of directors ; officers and tenure of office.
5. Empowered to effect insurance from loss by fire and water.
6. Commissioners to receive subscrip-

SECTION

- tions for capital stock ; further powers and duties of said commissioners.
7. Conditions precedent for effecting insurance.
8. Stock to be deemed personal property.
9. Annual report to be filed in the office of secretary of state ; nature of such report.
10. Subject to future legislation ; to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. Such persons as may hereafter become subscribers to the capital stock of the corporation hereby established, their successors and assigns, be and hereby are, made and constituted, a body politic and corporate, by the name of the "New England Fire Insurance Company," for the purpose of making contracts of indemnity for loss or damage by fire or lightning, and issuing policies of insurance against such loss or damage, and by that name they and their successors shall have perpetual succession, and shall be and hereby are, empowered to purchase, receive, hold, possess and enjoy to themselves, their successors and assigns, lands, tenements, rents, hereditaments, stocks, bonds, notes, goods, chattels, choses in action, and real and personal property of every description, proper in the business of an insurance company ; to sell and convey, grant and dispose of the same, to sue and be sued, plead and be impleaded in all courts of law or equity, to adopt a common seal and change the same at pleasure, to enact and execute such by-laws and regulations, as may be deemed expedient for the control and management of said company and its affairs ; provided the same shall not be repugnant to the constitution and laws of this State, or of the United States.



SEC. 2. The capital stock of said corporation, shall not be less than one hundred thousand dollars, and may, at the pleasure of the company, be increased to one million dollars, under such rules and regulations as the directors shall prescribe ; and shall be divided into shares of fifty dollars each, provided that no stockholder shall be responsible in his private capacity and estate, for any debt or liability, of said company, except in case of violation of this act, or of fraud, in either of which cases the person or persons guilty thereof shall be personally liable to said corporation or to the insured as the case may be.

SEC. 3. All the affairs of said company shall be managed and controlled by a board of not less than seven nor more than fifteen directors, (the number of said directors shall be determined by the by-laws of said company) a majority of whom shall be citizens of Rutland county, Vermont, and said directors shall be chosen by ballot solely from among, and by the stockholders of said corporation and shall hold their office at pleasure for one year, and until others are chosen as their successors. The annual meeting for the choice of such officers shall be held on such day in the month of January in each year as shall be appointed by the directors, notice thereof being published in some newspaper printed in Rutland, at least ten days before said meeting is held ; and each stockholder shall be allowed one vote for each share of stock by him held at the time of any meeting of said company. The principal office of said company shall be kept in Rutland, in the county of Rutland in this State.

SEC. 4. The directors shall determine how many of their number shall constitute a quorum for the transaction of business, and may fill any vacancy in their board which may occur, by choosing from among the stockholders, a director or directors who shall continue in office at pleasure until others are chosen as their successors. The directors shall elect from among their number a president and one or more vice-presidents, and shall have power to establish such agencies in this State and elsewhere ; to appoint such secretaries and assistants, clerks, treasurers, agents and other officers as they shall deem necessary and convenient, and also make such contracts and agreement as they shall deem expedient for the best interests of the company.

SEC. 5. Said company may insure property, both real and personal of every description whatever, against loss and damage by fire or lightning and all the hazards of inland navigation, or marine disasters, and the policies and contracts of insurance of said company may be made, with or without the common seal of said company, and shall be signed by the president or vice-president and countersigned by the secretary of said company, and when so signed and executed, the premium being paid, shall be obligatory on said company.

SEC. 6. B. W. Marshall, F. M. Butler and C. Parmenter are hereby appointed commissioners to receive subscriptions to



the capital stock of said corporation and they are hereby authorized to receive such subscriptions at such time and place as they may appoint and shall give such notice of the time and place of opening book of subscription, as they shall deem reasonable, and they are also authorized to keep such books open for the reception of subscription to said capital stock as long as it shall be deemed expedient. Any two of the subscribers to said capital stock, may call a meeting of the subscribers to said capital stock, to be held at Rutland, at such time and place as they shall appoint by publishing a notice thereof in some newspaper published in Rutland or by giving written notice to each of the subscribers to said capital stock, at least ten days previous to said meeting, which meeting may be organized by the appointment of a chairman and such committee as may be deemed advisable, and may be adjourned from time to time not exceeding two months at any one time, until said company shall be fully organized; and said company shall complete its organization at the first meeting of said subscribers to said capital stock after the said sum of one hundred thousand dollars for said capital stock shall have been subscribed and the officers elected at said completed organization shall hold their office until the next annual meeting or until others are chosen in their stead. Of the said capital stock of said corporation there shall be paid into the treasury of said company, in cash, at the time of completing the organization thereof, for the use of said company ten per cent. of the capital stock so subscribed. Within twenty days after said organization the directors may, in their discretion require ten per cent. more of said capital stock to be paid in in cash, for the use of said company. The balance of each share of said capital stock not paid in in cash, shall within thirty days after the organization be secured to said company, either by mortgage or endorsed promissary note or notes approved by the president and directors of said company, and the endorsers of said notes shall have a lien upon the stock for which said note or notes were given to secure them against loss by reason of their endorsement, and said securities shall be payable in such instalments and at such time or times as the directors may require, notice thereof being published in some newspaper printed in Rutland at least thirty days previous to the time said instalment is payable.

SEC. 7. Said capital stock to the amount of one hundred thousand dollars shall be subscribed and the said ten per cent. thereof paid into the treasury of said company in cash and the said additional ten per cent. thereof, if required by the said directors, shall also be paid in in cash to said treasury, and the remainder of each share of said capital stock secured to said company as provided in the preceding section before the company shall make any insurance or issue any policy.

SEC. 8. The capital stock of said company shall be deemed personal property and shall be transferable according to the rules of

said company and every subscriber to the capital stock of said company who shall neglect to pay the requisite per cent. of said capital stock as provided in section six of this act and to secure in the manner provided in said section six the residue of each share or shares by them subscribed for and not paid in, shall forfeit to said company such share or shares and all payments made thereon and all profits that may have accrued thereon.

SEC. 9. The said corporation shall in the month of January in each year make and file in the office of the secretary of this State a statement signed and sworn to by the president or secretaries of said corporation specifying the amount of capital stock and all its assets showing the amounts of investments in stocks, bonds and other securities and also the amount due for losses and claims unpaid and any further information which the legislature of this State shall require and the shares of stock and personal property of said corporation shall be exempt from taxation under the laws of this State for the period of five years from the time said corporation shall commence making contracts of insurance; and the business of said corporation shall be conducted subject to the provisions of any act or acts of the legislature of this State relating to the subject of insurance.

SEC. 10. This act shall take effect from its passage and shall be under the control of any future legislature to alter, amend or repeal.

Approved December 24, 1880.

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No. 177.—AN ACT CHANGING THE NAME OF THE  
BICKFORD KNITTING MACHINE MANUFACTURING  
COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The Bickford Knitting Machine Manufacturing Company, a corporation organized under the laws of this State, and located at Brattleboro, shall hereafter be known and called by the name of the Brattleboro Sewing Machine Company. Provided, that this act shall not take effect until said new name shall be accepted and adopted by vote of a majority of the stockholders of said corporation, at a meeting duly warned and held for that purpose, and a certified copy of such vote shall be filed in the office of the secretary of state.

Approved December 8, 1880.



No. 188.—AN ACT TO INCORPORATE THE MARBLE SAVINGS BANK.

## SECTION

1. Corporators; name; powers, privileges and duties.
2. First meeting, how called.
3. Location.

## SECTION

4. Subject to general laws and future legislation.
5. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Walter C. Dunton, Redfield Proctor, Charles Clement, Rockwood Barrett, Edward H. Ripley, Walter C. Landon, Charles H. Sheldon, Wallace C. Clement, Rodney C. Abell, Bradley Fish, Horace H. Dyer, Edson P. Gilson, James C. Dunn, Percival W. Clement, Simeon Allen, H. F. Lothrop, Justin Batcheller, Leonidas Gray, W. W. Walker, F. A. Barrows, Wheelock G. Veazey, and such other persons as shall be duly elected members thereof, are hereby constituted a corporation by the name of "The Marble Savings Bank," with all the powers and privileges and subject to all the duties and liabilities incident to similar corporations under the general law of the State regulating savings banks and savings institutions.

SEC. 2. A majority of the corporators herein mentioned are hereby authorized to call the first meeting of the corporation by giving each of the persons herein named six days notice in writing of the time and place of meeting.

SEC. 3. Said corporation shall be located in Rutland in the county of Rutland.

SEC. 4. This act shall be subject to all the general laws of this State relating to savings banks and savings institutions now in force or that may hereafter be enacted, and may be amended or repealed as the public good may require.

SEC. 5. This act shall take effect from its passage.

Approved December 23, 1880.



No. 189.—AN ACT TO CHANGE THE NAME OF THE RUTLAND COUNTY TRUST COMPANY, AND TO AMEND THE ACT INCORPORATING THE SAME, APPROVED NOVEMBER 8, 1872.

## SECTION

1. Name changed to State Trust Company.
2. Capital stock.
3. Section four of original act amended.
4. Section seven of original act amended.
5. Section nine of original act amended.

## SECTION

6. Section fifteen of original act amended.
7. Section sixteen of original act amended.
8. Section nineteen of original act amended.
9. Letters of credit authorized.
10. Continuance of act in legitimate force.
11. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The Rutland County Trust Company, incorporated by an act approved November 8, 1872, shall hereafter be known and called the State Trust Company, and wherever the words "Rutland County Trust Company" occur in said act, the same shall be changed to "State Trust Company."

SEC. 2. Section two of said act is hereby amended so as to read as follows: "The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to any amount not exceeding two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each."

SEC. 3. Section four of said act is hereby amended by striking out in the eighth line the word "nine."

SEC. 4. Section seven of said act is hereby amended by striking out in the second line the words "said nine" and inserting in place thereof the words "not less than five nor more than nine"; and by inserting in the fifth line, after the word "and" and before the word "inhabitants," the words "at least three-fourths of whom shall be"; and by striking out in the twelfth line the word "three" and inserting in place thereof the word "two"; and by striking out in the nineteenth line the word "seven" and inserting in place thereof the words "the required number of."

SEC. 5. Section nine of said act is hereby amended by striking out all after the word "purpose," in the sixth line."

SEC. 6. Section fifteen of said act is hereby amended so as to read as follows: "The directors shall have a discretionary power of investing the moneys received by them on deposit or in trust, in stocks or bonds of the United States, of the States of New Hamp-

shire, Vermont, Connecticut, Rhode Island or New York, or any of the towns, cities or counties in either of said States, or in such real estate or personal security as they shall deem proper, provided that when a special direction or agreement is given or made by or with those making deposits or leaving trust property with said corporation, as to the mode of investment thereof, the same shall be strictly followed."

SEC. 7. Section sixteen of said act is hereby amended so as to read as follows: "No director, officer or employee of said corporation shall be, at any one time, directly or indirectly indebted to said corporation for more than one-tenth part of the capital stock actually paid in, and no loan shall be made to such director, officer or employee of said corporation, without the written consent of a majority of the directors; provided that the discount of *bona fide* bills of exchange drawn against actually existing values, and the discount of commercial or business paper actually owned by such director, officer or employee negotiating the same, shall not be considered as money borrowed."

SEC. 8. Section nineteen of said act is hereby amended so as to read as follows: "This corporation shall be subject to all the provisions of sections thirty-one, thirty-two, thirty-three and thirty-four of chapter eighty-six of the General Statutes, relating to private corporations, savings banks or other moneyed corporations."

SEC. 9. Said corporation is hereby authorized and empowered to issue letters of credit upon such terms as may be agreed upon by the directors.

SEC. 10. Said act as hereby amended is to continue in full force and effect, provided the stock of said corporation is taken and said corporation is organized on or before the first day of April, A. D. 1882.

SEC. 11. This act shall take effect from its passage.

Approved November 19, 1880.

## No. 190.—AN ACT TO INCORPORATE THE BRANDON SEWER ASSOCIATION.

### SECTION

1. Corporators; name.
2. Right to maintain sewer constructed by the corporators herein named, perpetuated and extended.
3. Powers, rights, privileges.
4. Restrictions upon right of connection with sewer.
5. Damage to sewer considered a misdemeanor; penalty therefor.

### SECTION

6. Organization, how perfected; successive meetings how held.
7. By-laws; fees for service of officers.
8. Subject to the general laws and future legislation.
9. Corporation may sue and be sued.
10. To take effect.

Acts and Resolves 1880



NO. 195.—AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE RUTLAND AND WOODSTOCK RAILROAD COMPANY, APPROVED NOVEMBER 3, 1865.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The Rutland and Woodstock Railroad Company, incorporated by act approved November 3, 1865, is hereby allowed the further term of ten years beyond the time named in said act, and the act in amendment thereof, approved November 20, 1874, to commence the construction of said road, and the further term of fifteen years to complete and put in operation said road in the manner mentioned in the second section of said act.

SEC. 2. This act shall have the same effect as though the extended times hereby granted were originally inserted in the said act incorporating said company.

Approved December 10, 1880.

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NO. 196.—AN ACT TO LEGALIZE AND INCORPORATE THE CONGREGATIONAL SOCIETY OF NEW HAVEN.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The association heretofore and now existing in the town of New Haven, under the name of the Congregational Society of New Haven, having for its objects the support of the gospel and the maintenance of public worship, consisting of Oliver Smith, Wm. P. Nash, Loyal W. Stowe, A. M. Roscoe, E. H. Squier, Edward S. Dana, Josiah Cowles, Sylvester Doud, Julius L. Eldridge, Henry R. Barrows, Dorastus W. Nash, Ezekiel Hanchett, and their associates and successors, is hereby legalized and given corporate powers, and shall be confirmed in the ownership of its property, and shall have all the rights and powers given like associations organized under chapter ninety of the General Statutes of this State.

SEC. 2. This act shall take effect from its passage.

Approved December 10, 1880. **Acts and Resolves 1880**



as herein provided, and the commissioners appointed by said county court to re-examine any assessment or contribution, shall notify the clerk of said corporation of the time and place when they will hear said matter.

SEC. 21. This act shall take effect from its passage, and shall be at all times under the control of the legislature of the State to alter or repeal.

Approved December 24, 1880.

No. 211.—AN ACT IN ADDITION TO AND IN AMENDMENT OF "AN ACT TO INCORPORATE THE VILLAGE OF RUTLAND," PASSED NOVEMBER 15, 1847, AND ALL ACTS IN AMENDMENT THEREOF.

SECTION

1. Village president provided for.
2. Duties and powers of president.
3. No money to be expended for the village, except it shall have been

SECTION

- previously appropriated; penalty for violation of the provisions of this section.
4. Office of moderator abolished.

*It is hereby enacted by the General Assembly of the State of Vermont.*

SEC. 1. At every annual meeting of the village of Rutland the qualified electors of said village shall, by ballot, elect from among their number a president who shall hold office for one year and until his successor shall be elected and qualified.

SEC. 2. It shall be the duty of such president to preside at all meetings of said village, and he shall have the same powers therein as a moderator of town meetings.

Such president shall also be a member of the board of trustees, and the president thereof. If such president approves of any vote or resolution of such board of trustees he shall sign the same, and the same shall be filed in the office of the clerk of said village; but if he does not approve the same he shall file his objections thereto in the office of said clerk within two weeks, and in such case the board of trustees at their next regular meeting may reconsider such vote or resolution, and if two-thirds of the whole number of said board of trustees shall vote in favor of the same, the same shall take effect, notwithstanding the objections of such president.

If such president shall file his objections to such vote or resolution within said two weeks the same shall take effect without his approval.

SEC. 3. No money shall be expended by said board of trustees nor shall any debt be contracted by them on behalf of said village unless the money therefor has been previously voted or appropriated.

In case of any violation of this section such members of said board, as shall participate in such violation, shall be personally liable therefor.

SEC. 4. So much of this act incorporating said village or any act amending the same as provides for the election of a moderator, is hereby repealed.

Approved December 24, 1880.

## NO. 212.—AN ACT TO AUTHORIZE THE TOWN OF RUTLAND TO REFUND ITS OUTSTANDING NOTES OR BONDS.

### SECTION

1. Authority granted to issue bonds ; purpose and amount.
2. Bonds to carry certain signatures ; authority for and purpose of issue to be borne on the face thereof.
3. Rate of interest ; time of redemption and payment.

### SECTION

4. Treasurer to make an accurate registry thereof.
5. Selectmen to issue tax bills for collections of tax to pay principal and interest when due.
6. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. The town of Rutland is hereby authorized to issue other negotiable notes or bonds, for the purpose of paying or retiring the bonds of said town now outstanding, to an amount not to exceed its present bonded debt, and for no other purpose.

SEC. 2. Such bonds or notes shall be signed by the selectmen and countersigned by the treasurer, and if interest coupons are attached, they shall be signed by said treasurer ; and said notes or bonds shall contain a statement that they are issued for the purposes mentioned, and in conformity to the provisions of this act, and such statement shall be conclusive evidence of the same and of the liability of the town to pay such note or bond, in any action by a *bona fide* holder thereof.

SEC. 3. The rate of interest on such bonds or notes shall not exceed five per centum per annum, payable semi-annually, and such bonds or notes shall be redeemable after five years and payable in twenty years from and after the date thereof.

SEC. 4. The treasurer shall keep an accurate record of every bond or note issued, therein stating the number and denomination



No. 297.—AN ACT TO PAY I. M. TRIPP, ADMINISTRATOR OF GEO. R. CHAPMAN'S ESTATE, THE SUM THEREIN NAMED.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The auditor of accounts is hereby directed to draw an order on the state treasurer in favor of I. M. Tripp, administrator of Geo. R. Chapman's estate, for the sum of thirty and twenty-seven one-hundredths dollars, it being for expenses incurred by the said Chapman in his life time, as state's attorney of Addison county, in the trial of the cases State against Ezra Smith and State against Mrs. Champlin, for the crime of murder.

SEC. 2. This act shall take effect from its passage.

Approved November 9, 1880.

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No. 298.—AN ACT TO PAY TUTTLE & CO. OF RUTLAND THE SUM THEREIN NAMED.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The auditor of accounts is hereby authorized and directed to draw an order on the state treasurer for the sum of five hundred dollars in favor of Tuttle & Co. of Rutland, it being for printing two thousand copies of the records of the addresses and proceedings at the centennial celebration of the battle of Bennington, and furnishing one thousand copies of the same for the use of the State, and one thousand copies for the use of the Bennington battle monument association.

SEC. 2. This act shall take effect when Tuttle & Co. or the Bennington battle monument association shall have added to the records already published, an account of the legislation of the States of New Hampshire and Massachusetts pertaining to the said celebration and the part they took in the same, and the governor shall certify to the auditor of accounts that the requirements of section two of this act have been complied with.

Approved December 3, 1880.



# ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

—OF THE—

# STATE OF VERMONT

AT THE

SEVENTH BIENNIAL SESSION, 1882.



PUBLISHED BY AUTHORITY.

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**Acts and Resolves 1882**

RUTLAND:

TUTTLE & CO., OFFICIAL PRINTERS TO THE STATE OF VERMONT.

1882

No. 131.—JOINT RESOLUTION ACCEPTING PORTRAIT  
OF COLONEL GEORGE T. ROBERTS.

WHEREAS, A portrait of the late George T. Roberts, formerly colonel of the seventh regiment Vermont volunteers, and mortally wounded in action at Baton Rouge, Louisiana, on August 5, 1862, has been presented to the state of Vermont by his sister, Miss Susan L. Roberts, it is therefore

*Resolved, by the Senate and House of Representatives of the State of Vermont:*

That we accept with thanks the gift so tendered, as a valuable contribution to the permanent memorials of the state and an incentive to the patriotism of future generations; and we request the sergeant-at-arms to hang the same in a suitable place in the state capitol.

SAM'L E. PINGREE,  
*President of the Senate.*

JAMES L. MARTIN,  
*Speaker of the House of Representatives.*

JOHN L. BARSTOW,  
*Governor.*

No. 134. — JOINT RESOLUTION RESPECTING THE  
LIBRARY OF THE UNITED STATES COURT HOUSE  
AT RUTLAND.

*Resolved by the Senate and House of Representatives :*

That the state librarian is hereby directed to furnish to the library of the United States court house at Rutland such volumes of Vermont reports as are required to complete the set of Vermont reports in said library, provided the same can be properly spared from extra volumes in the hands of the state librarian.

SAM'L E. PINGREE,

*President of the Senate.*

JAMES L. MARTIN,

*Speaker of the House of Representatives.*



# CORPORATIONS.

## No. 142.—AN ACT TO INCORPORATE THE VERMONT ACCIDENT ASSOCIATION.

### SECTION

1. Corporators' names; name of the association and its privileges.
2. Time and place of first meeting; notice to be given; may make, alter and repeal by-laws; books to be opened at first meeting; association may assume existing liabilities.
3. Amount of capital stock; shares, how divided.
4. Liability of stockholders; subscriptions, how secured; amount of stock to be paid in before commencing business; duties of directors in investing accumulations and reserves; returns to be made to secretary of state; when and

### SECTION

- how to be made.
5. Duties and privileges in insuring persons.
6. Place of business; number of directors and how chosen; term of office.
7. Time and place of meeting of directors; proviso; powers and duties of directors.
8. Officers; agents; president and vice-president, how chosen; term of office.
9. Capital stock deemed personal property; how transferred.
10. To take effect; subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Joel M. Haven, George Nichols, Wm. H. DuBois, John B. Page, Redfield Proctor, J. W. Hobart, M. J. Francisco, John A. Mead, J. B. Mead and M. S. Colburn associated together under the name of the Vermont Accident Association, an organization having its office at Rutland, of which they are the directors together with their associates and successors are hereby constituted a corporation and body politic by the name of the Vermont Accident Association, and by that name may sue and be sued, have a common seal, and the same alter at pleasure; shall have and enjoy all the rights, privileges and franchises incident to corporations for the purposes hereinafter specified.

SEC. 2. The first meeting of said corporation shall be held at such time and place as may be appointed by a majority of the persons named in this act, giving at least six days' notice by mail to all said persons. At said meeting or at any adjournment thereof, and at all other legal meetings of the stockholders, said corporation may make, alter and repeal by-laws, rules and regulations for the management of the business and property of said corporation, not inconsistent with the constitution and laws of this state or of the United States. At such first meeting, books for

subscription to the capital stock shall be opened and the organization of said association shall be deemed complete when the capital stock shall be subscribed for. The association may thereafter assume existing liabilities, and enforce in its own name existing contracts of said associates, and enter upon the business contemplated by this act.

SEC. 3. The capital stock of said corporation shall be one hundred thousand dollars, and may be increased to a sum not exceeding two hundred and fifty thousand dollars and shall be divided into shares of one hundred dollars each.

SEC. 4. No stockholder shall be responsible in his private capacity for any liability of said corporation except in case of violation of this act or of fraud, in either of which cases the person or persons guilty thereof shall be personally liable.

Subscriptions for capital stock shall be secured by bonds or mortgages on real estate, or by such indorsed promissory notes as shall be approved by the directors of said corporation, and shall be payable in such manner as the directors may determine.

Said association shall not commence business on the cash plan until at least twenty-five per cent of its capital stock is actually paid in. In investing paid up capital, accumulations and reserves, the directors shall be governed by the provisions of law respecting investments of savings banks and trust companies. Said association in the month of January, in each year, shall make and file in the office of the secretary of state a statement, signed and sworn to by the president or secretary, specifying the amount of capital stock and assets of said association, showing its investments in detail, the amount and character of business done during the year, the amount of unpaid claims at the time of making such reports, and any further information which the legislature may require; and the business of said association shall be subject to the provisions of all laws of this state relating to insurance, applicable thereto.

SEC. 5. Said association is hereby authorized and empowered to do an accident insurance business on the cash or mutual plan, or both, and to make all and every insurance connected with accidental loss of life or personal injury sustained by accident of every description on such contracts, terms and conditions, and for such periods of time, and confined to such countries and to such persons as shall be from time to time ordered and provided for by the by-laws of said association.

SEC. 6. The principal office of said association shall be located in Rutland, and the property and affairs of said association shall be managed and conducted by not less than seven nor more than fifteen directors, as shall be determined by the by-laws, and said directors shall be chosen from among and by the stockholders of said association, each share of stock being entitled to one vote, and shall hold their office for one year and until others are chosen as their successors.



SEC. 7. The annual meeting for the choice of directors shall be holden at Rutland under such rules and on such day in the month of January as shall be determined by the by-laws of said association. Provided that if the annual meeting shall fail to be holden for want of notice or any other cause the corporation shall not thereby be prejudiced and the several officers aforesaid may at any time thereafter be elected at a special meeting called for that purpose.

The directors may determine what number may constitute a quorum for the transaction of business, and may fill any vacancy in their board by choosing from among the stockholders a director or directors, who shall continue in office until others are chosen as their successors.

SEC. 8. The directors may choose a president, vice-president, secretary, treasurer and medical director of their association and appoint such other officers clerks and agents, and establish such agencies in this state and elsewhere as shall be by them deemed advisable for conducting the business of the association and make such covenants and agreements as may be deemed necessary.

The president and vice-president shall be chosen from among the directors and hold their offices for one year and until others are chosen.

The other officers, agents and servants of this association shall hold their respective offices and appointments for such time as the directors may determine.

SEC. 9. The capital stock of said association shall be deemed personal property and shall be transferable according to the rules of said association.

SEC. 10. This act shall take effect from its passage, and shall be subject to the control of any future legislature to alter or amend as the public good may require.

Approved November 27, 1882.

No. 143.—AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE GUILDHALL AQUEDUCT COMPANY," APPROVED NOVEMBER 23, 1874.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Section three of said act is hereby amended so as to read as follows:

The capital stock of said company shall consist of one hundred shares of ten dollars each, which stock may be increased by said

corporation to an amount sufficient to carry into effect the object of this act, and said corporation may provide for the sale and mode of transfer thereof as said corporation may from time to time deem expedient, and may levy and collect assessments on such shares according to law, and fix rates and rents on the same at pleasure, and shall have the power to sue for and collect said water rents when necessary.

SEC. 2. This act shall take effect from its passage.

Approved November 13, 1882.

No. 144.—AN ACT TO INCORPORATE THE NORTHFIELD HOUSE AQUEDUCT COMPANY.

SECTION

1. Corporators: name; purpose; powers, rights and privileges.
2. By-laws.
3. Capital stock; power of directors to assess stock; liability of directors and stockholders.
4. Vested powers of corporations, with certain restrictions thereof.
5. Right of way for aqueduct con-

SECTION

- ferred; damages sustained, how determined.
6. Misdemeanors defined.
7. First meeting, where held and how called.
8. Subject to general laws and future legislation.
9. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Such persons as shall hereafter become stockholders are hereby constituted a body corporate by the name of the Northfield House Aqueduct Company with powers incident to corporations, and may hold real and personal estate not exceeding five thousand dollars in value, for the purpose of constructing and maintaining an aqueduct, for the purpose of supplying the inhabitants of the village of Northfield with water for domestic and other purposes.

SEC. 2. Said corporation may at its annual meeting, and at any other meeting legally notified for that purpose, make, alter and repeal such by-laws, rules and regulations as may be thought necessary, not repugnant to the laws of this state.

SEC. 3. The capital stock of said company shall consist of one hundred shares of twenty-five dollars each, which stock may be increased by said corporation to an amount sufficient to carry into effect the object of this act. And said corporation may provide for the sale and mode of transfer thereof, as said corporation may from time to time deem expedient, and may levy and collect assessments on said shares according to law, and fix the rate of rents and the



No. 158.—AN ACT TO INCORPORATE THE RUTLAND  
FOUNDRY AND MACHINE SHOP COMPANY AND THE  
CHARLES P. HARRIS MANUFACTURING COMPANY.

## SECTION

1. Corporators; name; powers, rights and privileges; purpose.
2. Capital stock.
3. Limitation of indebtedness; liability of directors.
4. Officers; first meeting, when

## SECTION

- held.
5. Books for subscription to capital stock, when opened.
6. Subject to future legislation and the general laws.
7. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Joel B. Harris, Charles P. Harris, A. B. Harris and William A. Harris, and their associates and successors, are hereby constituted a corporation by the name of "The Rutland Foundry and Machine Shop Company and the Charles P. Harris Manufacturing Company," and by **Acts and Resolves 1882** sued, and have all the powers incident to a corporation, and may hold by purchase or



lease such real estate as may be required to carry on the business of said corporation, and such other real estate as may be acquired in the collection of debts, and the same convey at pleasure, for the purpose of manufacturing car wheels, castings, machinery, and doing such work as is usually done in a foundry and machine shop, and also for the purpose of manufacturing and buying and selling all kinds of lumber, fire wood, building material, furniture, chairs, chair stock and all kinds of articles of wood and metal.

SEC. 2. The capital stock of said corporation shall be one hundred and twenty-five thousand dollars, and the same may be increased by a vote of the stockholders to an amount not exceeding two hundred thousand dollars, and the same shall be divided into shares of one hundred dollars each.

SEC. 3. The corporation shall not contract any debts until at least one hundred thousand dollars of the capital stock shall be subscribed and paid for, nor thereafter to an amount exceeding three-fourths of the capital stock actually paid in, and if the indebtedness shall at any time exceed the aforesaid limit, the directors assenting thereto shall be personally liable therefor.

SEC. 4. The officers of the corporation shall be a board of directors, of not less than three nor more than five, and such other officers as the by-laws of said corporation may require. The first meeting of the stockholders for the election of directors may be held as soon as the capital stock of said corporation shall be subscribed for, and at such time and place as a majority of the persons named in the first section of this act may determine.

SEC. 5. Books for the subscription to the capital stock may be opened so soon as a majority of the persons named in the first section of this act may determine.

SEC. 6. This act shall be subject to the control of the legislature to alter, amend or repeal, and to all the general laws of the state now or hereafter in force in regard to private corporations.

SEC. 7. This act shall take effect from its passage.

Approved November 28, 1882.

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NO. 159.—AN ACT TO AMEND THE CHARTER OF THE  
PEOPLE'S GAS LIGHT COMPANY OF RUTLAND.

*It is hereby enacted by the General Assembly of the State of Vermont:*

That the time of holding the annual meeting for the election of directors of the People's Gas Light Company of Rutland, as

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provided by section four of the charter of said company, approved March 28, 1867, is hereby changed from the first Monday of July to the second Monday of July in each year.

Approved October 24, 1882.

# No. 160.—AN ACT TO INCORPORATE THE ATLAS GUARANTEE COMPANY OF RUTLAND, VERMONT.

## SECTION

1. Corporators; name; purpose; powers; rights and privileges.
2. Capital stock; with proviso as to liability of stockholders.
3. Management of affairs vested in board of directors; eligibility of election as directors; tenure of office; annual meetings; location of principal office.
4. General powers of directors.
5. Manner of execution of guarantee contracts.
6. Commissioners appointed to receive subscriptions to capital stock;

## SECTION

- regulations of procedure relative to subscriptions and subsequent organization.
7. Conditions precedent to commencing business.
8. Capital stock to be deemed personal property; conditions relative to payment of subscriptions therefor.
9. Report to be filed annually in the office of the secretary of state; nature of report.
10. To take effect, and subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. J. M. Haven, J. B. Page, B. W. Marshall, F. M. Butler, A. P. Childs, Cyrus Jennings, A. H. Tuttle, E. C. Tuttle, L. S. Jordon, C. Parmenter, their successors and assigns, be and hereby are made and constituted a body politic and corporate, by the name of the Atlas Guarantee Company, for the purpose of making contracts, guaranteeing the security and payment of loans, notes, contracts, negotiable paper, checks, drafts, bills of exchange, and the payment and fulfillment of insurance, contracts, bonds, and other obligations, and by that name they and their successors shall have perpetual succession; and shall be and hereby are empowered to purchase, receive, hold, possess and enjoy to themselves, their successors and assigns, lands, tenements, rents, hereditaments, stocks, bonds, notes, goods, chattels, choses in action, and real and personal property of every description, proper for the purpose of the corporation; to sell and convey, grant and dispose of the same; to sue and be sued, plead and be impleaded in all courts of law or equity, to adopt a common seal and change the same at pleasure; to enact and execute such by-laws and regulations as may be deemed expedient for the control and management of said company and its affairs, provided the same shall not be repugnant to the constitution and laws of this state or of the United States.



SEC. 2. The capital stock of said corporation shall not be less than one hundred thousand dollars nor more than five hundred thousand dollars, and shall be divided into shares of fifty dollars each, provided that no stockholder shall be responsible in his private capacity and estate for any debt or liability of said company, except in case of violation of this act, or of fraud, in either of which cases the person or persons guilty thereof shall be personally liable to said corporation or to the person, persons or corporation guaranteed, as the case may be.

SEC. 3. All the affairs of said company shall be managed and controlled by a board of five directors, a majority of whom shall be citizens of Rutland county, Vermont, and said directors shall be chosen by ballot solely from among and by the stockholders of said corporation, and shall hold their office at pleasure for one year, and until others are chosen as their successors. An annual meeting for the choice of such officers shall be held on the second Tuesday in January in each year, notice thereof being published in some newspaper printed in Rutland at least ten days before said meeting is held, and each stockholder shall be allowed one vote for each share of stock by him held at the time of any meeting of said company. The principal office of said company shall be in Rutland, Rutland County, Vermont.

SEC. 4. The directors shall determine how many of their number shall constitute a quorum for the transaction of business, and may fill any vacancy in their board which may occur, by choosing from among their stockholders, a director or directors who shall continue in office at pleasure until others are chosen as their successors. The directors shall elect from among their number, a president and vice-president, and shall have power to appoint such secretaries, assistants, agents and other officers as they shall deem necessary, and also make such contracts and agreements as they shall deem expedient for the best interests of the company.

SEC. 5. The guarantee contracts of said company may be made with or without the common seal of said company, and shall be signed by the president or vice-president and countersigned by the secretary of said company, and, when so signed and executed, shall be obligatory on said company.

SEC. 6. Joel M. Haven, B. W. Marshall and Chester Parmenter are hereby appointed commissioners to receive subscriptions to the capital stock of said corporation, and they are hereby authorized to receive such subscriptions at such time and place as they may appoint, and shall give such notice of the time and place of opening book of subscription as they shall deem reasonable, and they are also authorized to keep such books open for the reception of subscription to said capital stock as long as it shall be deemed expedient. Any two of the subscribers to said capital stock may call a meeting of the subscribers to said capital stock, to be held at Rutland at such time and place as they shall appoint, by publishing a



notice thereof in some newspaper published in Rutland, or by giving written notice to each of the subscribers to said capital stock, at least ten days previous to said meeting, which meeting shall be organized by the appointment of a chairman and such committees as may be deemed advisable, and may be adjourned from time to time, not exceeding two months at any one time, until said company shall be fully organized; and said company shall complete its organization at the first meeting of said subscribers to said capital stock after the said sum of fifty thousand dollars of said capital stock shall have been subscribed, and the officers elected at said completed organization shall hold their office until the next annual meeting or until others are chosen in their stead. Of the said capital stock of said corporation there shall be paid into the treasury of said company, in cash, at the time of completing the organization thereof, for the use of said company, ten per cent of the capital stock so subscribed. The balance of each share of said capital stock not paid in, in cash, shall, within sixty days after the organization, be secured to said company, either by mortgage or endorsed promissory notes, or notes approved by the president and directors of said company, and the endorsers of said notes shall have a lien upon the stock for which said note or notes were given to secure them against loss by reason of their endorsement, and said securities shall be payable in such instalments and at such time or times as the directors may require, notice thereof being published in some newspaper printed in Rutland at least thirty days previous to the time said instalment is payable.

SEC. 7. Said capital stock shall be fully subscribed to the amount of fifty thousand dollars, and the said ten per cent thereof paid into the treasury of said company in cash, and the remainder of each share of said capital stock secured to said company as provided in the preceding section, before the company shall make any guarantee or issue any guarantee contract.

SEC. 8. The capital stock of said company shall be deemed personal property, and shall be transferable according to the rules of said company; and every subscriber to the capital stock of said company who shall neglect to pay the requisite per cent of said capital stock as provided in section six of this act, and to secure in the manner provided in said section six the residue of each share or shares by them subscribed for and not paid in, shall forfeit to said company such share or shares and all payments made thereon and all forfeits that may have accrued thereon.

SEC. 9. The said corporation shall, in the month of January in each year, make and file in the office of the secretary of state of Vermont a statement signed and sworn to by the president and secretaries of said corporation, specifying the amount of capital stock and all its assets, showing the amounts of investments in stocks, bonds and other securities, and the amount due for losses and claims unpaid, and any further information which the legislature

No. 170.—AN ACT TO INCORPORATE THE NATIONAL MARBLE COMPANY.

## SECTION

1. Corporators; name; powers, rights and privileges.
2. First meeting; how called and held; by-laws.
3. Capital stock; shall be deemed fully paid and not liable to assessment.
4. Capital stock not to be diverted;

## SECTION

- restriction of indebtedness; liability of stockholders.
5. Mode of conducting meeting and making votes.
6. Location.
7. To take effect; subject to future legislation and the general laws.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Frederick Billings, George B. Loring, George A. Merrill, John N. Baxter, John B. Page, Rockwood Barrett, Martin G. Everts, E. D. Keyes, Henry Clark, John L. Mason, A. T. Woodward, Charles Powers, Merritt Clark, W. H. Bingham, Henry G. Root, D. W. Prime, E. W. Judd, Albert F. Manley, John A. Sanford, their associates, successors and assigns, are hereby constituted a body politic and corporate by the name of National Marble company; and by that name may sue and be sued; may have a common seal, and the same may alter at pleasure, may hire or purchase with cash, stock or otherwise, such real and personal property or estate, rights, privileges and franchises as said corporation or its directors, if thereto authorized by the by-laws of said company, may deem desirable, and may hold, sell and convey, let, lease or improve the same, or any part thereof, as the business or benefit of said company may require; and shall have and enjoy all the rights, powers, privileges and franchises incident to corporations, for the purpose of mining or quarrying minerals, marble, limestone and other stones, and of manufacturing, buying and selling the same, of acquiring, using and leasing to others to use, water-power, steam or other power, and machinery therefor, as said company may deem expedient, and for the transaction of any such other business as may be incidental thereto.

SEC. 2. The first meeting of said corporation shall be held at such time and place as may be agreed on by a majority of persons named in this act, the other persons named herein having due notice thereof; and at said meeting, or at any adjournment thereof, and at all other legal meetings of the stockholders, said corporation may make, and from time to time alter and repeal such by-laws, rules and regulations for the management of the business and property of said corporation, not inconsistent with the laws of this state or of the United States, as a majority vote may adopt or direct; and may divide the capital stock of said corporation into such number of shares of such par value each as they may deem expedient, and provide for the transfer thereof.

SEC. 3. The capital stock of said corporation shall be three hundred thousand dollars, and may be increased from time to time whenever a majority in interest of the stockholders shall



by vote decide so to do; and all stock issued by said corporation shall be deemed and taken to be full paid stock, and shall not be liable to assessment.

SEC. 4. No part of the capital paid in shall be withdrawn, or in any manner diverted from the business of the company, while it shall continue to do business; and said corporation shall not contract debts or incur liabilities exceeding in amount at any one time three-fourths of the capital stock actually paid in; and if such indebtedness shall at any time exceed such amount, the directors and stockholders assenting thereto shall be personally holden to the creditors of the company for such excess.

SEC. 5. At the stockholders' meetings of said corporation all questions shall be determined by a majority of votes, counting one vote for each share represented; and absent stockholders may vote by proxy, duly authorized in writing, signed by the person or persons represented, or their duly constituted attorney therefor, and filed with the secretary or clerk.

SEC. 6. Said corporation shall be located either in the county of Rutland or Addison, state of Vermont.

SEC. 7. This act shall take effect from its passage, and shall be subject to the control of any future legislature to alter, amend or repeal, as the public good may require; and shall be subject to the provisions of chapter one hundred and fifty-two of the Revised Laws and additions thereto and amendments thereof, so far as the same are applicable and not inconsistent with the special provisions of this act.

Approved November 28, 1882.

## No. 171.—AN ACT TO INCORPORATE THE SHELDON MARBLE COMPANY.

### SECTION

1. Corporators; name; powers, rights and privileges; purpose.
2. First meeting, how called and held.
3. Capital stock; stock deemed fully paid and unassessable.
4. Diversion of capital prohibited;

### SECTION

- limitation of indebtedness; liability of directors and stockholders.
5. Each share of stock entitles to one vote.
6. To take effect; subject to future legislation and the general laws

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Charles Sheldon, John A. Sheldon, Charles H. Sheldon, William K. Sheldon of Rutland; George P. Sheldon, Richard F.



Sheldon and Archie L. Sheldon of New York city, their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Sheldon Marble Company, and by that name may sue and be sued; may have a common seal, and the same may alter at pleasure; may hire or purchase, with cash, stock or otherwise, such real and personal property and estate, rights, privileges and franchises as said corporation, or its directors, if thereto authorized by the by-laws of said company, may deem desirable, and may hold, sell and convey, let, lease or improve the same, or any part thereof, as the business or benefit of said company may require; and shall have and enjoy all the rights, powers, privileges and franchises incident to corporations, for the purpose of mining or quarrying minerals, marble, limestone and other stones, and of manufacturing, buying and selling the same, of acquiring, using, and leasing to others to use, water-power, steam or other power, and machinery therefor, as said company may deem expedient, and for the transaction of such other business as may be incidental thereto.

SEC. 2. The first meeting of said corporation shall be held at such time and place as may be agreed on by a majority of the persons named in this act, the other persons named herein having due notice thereof; and at said meeting, or at any adjournment thereof, and at all other legal meetings of the stockholders, said corporation may make, and from time to time alter and repeal such by-laws, rules and regulations for the management of the business and property of said corporation, not inconsistent with the constitution and laws of this state or of the United States, as a majority vote may adopt or direct; and may divide the capital stock of said corporation into such number of shares, of such par value each, as they may deem expedient, and provide for the transfer thereof.

SEC. 3. The capital stock of said corporation shall be three hundred thousand dollars, and may be increased from time to time whenever a majority in interest of the stockholders shall by vote decide so to do; and all stock issued by said corporation shall be deemed and taken to be full paid stock, and shall not be liable to assessment.

SEC. 4. No part of the cash capital paid in shall be withdrawn, or in any manner diverted from the business of the company while it shall continue to do business; and said corporation shall not contract debts or incur liabilities exceeding in amount at any one time three-fourths of the capital stock actually paid in; and if such indebtedness shall at any time exceed such amount, the directors and stockholders assenting thereto shall be personally holden to the creditors of the company for such excess.

SEC. 5. At the stockholders' meetings of said corporation all questions shall be determined by a majority of votes, counting one vote for each share represented; and absent stockholders may vote by proxy, duly authorized in writing, signed by the person or

persons represented, or their duly constituted attorney therefor, and filed with the secretary or clerk.

SEC. 6. This act shall take effect from its passage, and shall be subject to the control of any future legislature to alter, amend or repeal, as the public good may require, and shall be subject to the provisions of chapters one hundred and fifty-two and one hundred and fifty-three of the Revised Laws, and all additions thereto and amendments thereof, so far as the same are applicable and not inconsistent with the special provisions of this act.

Approved November 28, 1882.

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# No. 180.—AN ACT TO INCORPORATE THE RUTLAND AND TIDEWATER RAILROAD COMPANY.

## SECTION

1. Corporators; name; purpose; location, powers, rights and privileges.
2. Capital stock.
3. Commissioners to receive subscriptions to capital stock; method of procedure.
4. Preliminary surveys authorized.
5. Conditions precedent to organization.
6. Directors; tenure of office; other officers; office of treasurer may be either in or out, but office of clerk must be in the state.
7. Location of line under control of

## SECTION

- directors.
8. Right of holding real estate, mines or quarries and building branches and extensions of road guaranteed under certain restrictions.
9. Limitation of time of construction.
10. Corporation may contract for the management and operation of its road.
11. Act to be deemed a public act; subject to future legislation; to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Such persons as shall hereafter become stockholders are hereby incorporated under the name of the Rutland and Tidewater Railroad Company, for the purpose of constructing a railroad from some point in the town of Rutland, in the county of Rutland, through or into the towns of Ira, Castleton, West Haven, Fair Haven and Poultney, to the western line or boundary of the state at such point in any of the three towns last named as may be finally determined upon by said company in locating its said railroad, with the right of constructing said railroad with single or double track, and with such width or gauge of track as shall be deemed advisable for the best interests of the company, and with the right to transport and carry persons and property; and by that name may sue and be sued; may have a seal; and shall have all the rights incident to corporations.

SEC. 2. The capital stock of said company shall be one million dollars, which may be increased from time to time to such an amount as may be necessary to complete said road, furnish all necessary buildings, road furniture and equipage useful or convenient, or that may be required for the use of said road, and as may be required by said company in constructing, completing and furnishing and equipping any and all authorized extensions or branches of said road, and to carry on and prosecute the business of said company, and said capital stock shall be divided into shares of one hundred dollars each.

SEC. 3. Redfield Proctor, Edward H. Ripley and Ebenezer J. Ormsbee shall be commissioners to receive subscriptions to the capital stock of the company, and said commissioners shall open the subscription books of said company at such time and place as they or a majority of them may elect, giving at least ten days notice thereof by publication in one or more newspapers published and circulated in said county of Rutland.



SEC. 4. Said commissioners may cause such preliminary surveys and examinations to be made as they deem expedient, and the expense thereof shall be paid by said company when organized.

SEC. 5. The commissioners shall, as soon as five hundred shares of the capital stock of said company shall have been subscribed, cause notice to be given to the stockholders of said company for a meeting of said stockholders for the election of a board of directors of said company, which notice shall be given by publication in one or more newspapers published and circulated in said county of Rutland, at least two weeks prior to the time of holding such election, at which time and place designated in said notice the stockholders shall elect said directors.

SEC. 6. Said board of directors shall consist of not less than five and not more than nine, and a majority of them shall reside in and be citizens of Vermont. They shall hold their offices for one year and until others are elected in their place, and they shall have and exercise all the powers of the corporation. They may appoint from their number a president and such vice-presidents as they choose, and may appoint a treasurer who may reside and have his office either within or without this state, as convenience or the interests of said company may require; and may appoint a clerk, who shall reside in this state, and may make such by-laws, rules and regulations for the government and control of the corporation, its business and affairs as they please, and alter the same at pleasure; provided they are not inconsistent with the constitution and laws of this state.

SEC. 7. Said directors may cause such examinations and surveys of the line of said road to be made as they or a majority of them shall deem expedient; and after such examination and survey may locate said road, not exceeding five rods in width, and shall, by a certificate under their hands and the seal of said corporation, designate the line or route on which they have located said road, and shall cause the same to be recorded in the town clerk's office of each town into or through which said road passes. And said directors may at any time make such changes or alterations in the route or location of said road as they may deem necessary or expedient, always causing a certificate thereof to be recorded in the town clerk's office of the town or towns where such changes or alterations are made.

SEC. 8. Said corporation may lease or purchase such mines, quarries or mineral deposits and rights and privileges connected therewith or appurtenant thereto, located or situated in any of the towns into or through which said road passes, as the directors of said company may deem expedient and for the best interests of said corporation, and may work and develop the same, handle, deal in and sell the products thereof in such way and manner and to such extent as said directors may deem proper; and may construct, complete and equip, furnish and run such extensions or branches

of said road as in the discretion of said directors may be necessary for the convenient or profitable development or working of such mines, quarries or mineral deposits, or the proper disposition of the products thereof; and may likewise construct, complete, equip, furnish and run any extension or branch of said road from the main line thereof to any mines or quarries located or situated in any of the towns into or through which said road passes, and owned or controlled by any other person or parties, by and with the consent of such other person or party, but not otherwise. And said directors may from time to time cause such examinations and surveys of the line or lines of any such extension or branch of said road to be made as they or a majority of them shall deem expedient, and after such examination and survey may locate the same, not exceeding four rods in width, and shall, by a certificate under their hand and seal of said corporation, designate the line or route on which they have located such extensions or branches, and shall cause the same to be recorded in the town clerk's office of the town where said branches or extensions are located. If any such branches or extensions shall be surveyed, located and constructed, the same proceedings shall be had, and the same rights, privileges and liabilities shall attach in the premises, as to all persons and parties in interest as land owners or otherwise, and as to said corporation, its officers, servants and workmen and the public as are had or attach to the main line of said road, and this shall be so as to all matters and things connected with or pertaining to the examination and preliminary survey of such branches and extensions, the location and final survey thereof, the taking of land therefor, and as to the damages to land owners whose lands are taken as to the construction and completion of said branches and extensions, and the furnishing, equipping and running thereof, and also as to all other matters and things.

SEC. 9. If said company shall not within five years commence the survey and construction of said road and expend at least fifty thousand dollars, and shall not within ten years complete and put in operation said road, so far as practicable, said corporation shall take no benefit of this act and the same shall be null and void, except so far as said road may be completed.

SEC. 10. Said railroad company may contract with any other railroad company, or the managers thereof, to do and perform all transportation of persons and property upon and over their road, and do such other things as may be necessary to construct, complete, equip and run their said railroad.

SEC. 11. This act shall be taken to be a public act, and shall be subject to alteration, amendment or repeal, as the public good may require, and shall take effect from its passage.

Approved November 18, 1882.



# No. 181.—AN ACT TO INCORPORATE THE RUTLAND STREET RAILWAY COMPANY.

## SECTION

1. Corporators: name; purpose; powers, rights and privileges.
2. Capital stock; value of shares.
3. Commissioners to receive subscriptions to capital stock; meeting of stockholders for organization, how called; organization, how made; directors.
4. Other officers of company; by-laws; additional subscription to capital, how made.
5. Conditions for construction of

## SECTION.

- road; limitation of life of charter.
6. Rights of company regarding construction of the road.
7. Further rights of company relating to highways.
8. Regulation and establishing rates of transportation.
9. Wilful hindrance or obstruction in the use of road, a misdemeanor.
10. Shall have power to issue bonds; limitation of such issue.
11. Subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Martin G. Everts, John A. Sheldon, Evelyn Pierpoint, Redfield Proctor, J. Burton Hollister, Walter C. Dunton, Cornelius C. Pierce, George H. Cheney, Rockwood Barrett, George A. Merrill, John N. Woodfin, James C. Dunn and Albert H. Tuttle, and their associates, successors and assigns, are hereby constituted a body corporate, by the name of the Rutland Street Railway Company, for the purpose and with the right of constructing, maintaining and operating a street railroad in the town and village of Rutland, and of transporting persons and property thereon for hire; and by that name may sue and be sued, may have a corporate seal, and shall have all the rights incident to corporations.

SEC. 2. The capital stock of said company shall be twenty-five thousand dollars; which may be increased, from time to time, to such an amount as shall be necessary to complete the road of said company and furnish the same with all necessary buildings, furniture and equipment and all other appurtenances useful or convenient for its operation, which capital stock shall be divided into shares of one hundred dollars each.

SEC. 3. The persons named in the first section of this act shall be commissioners to receive subscriptions to the capital stock of said company, and may themselves subscribe thereto; they shall open the books for such subscriptions at such time and place as they or a majority of them shall designate, giving ten days' notice thereof by publication in the *Rutland Daily Herald and Globe*. As soon as one hundred and fifty shares of said stock shall be subscribed for, said commissioners shall cause notice to be given to the subscribers of a meeting to be held for the election of directors, which notice shall be given by mailing a copy thereof to each subscriber, signed by the acting chairman of said board of commissioners, stating the time and place of such meeting. At the time and place so designated the subscribers then assembled shall organize said corporation **Acts and Resolves 1882** five directors, who shall hold their office for one year and until others are elected, and who shall be stockholders in the company.



SEC. 4. The directors so elected shall thereupon elect one of their number president of said company, and shall appoint a treasurer and a clerk, and may appoint such other officers and agents as may be required for the transaction of the business of the company; and may make such by-laws for the regulation and government of the same as they deem best, not inconsistent with the laws of this state; and after said company is organized all further subscriptions to the capital stock shall be under the control of the board of directors of said company.

SEC. 5. Said company shall not commence the construction of its road until fifteen thousand dollars of its capital stock is subscribed for, and at least fifty per cent of the same is paid in; and may continue to construct the same from time to time as the business of the company may require. And if said company shall not, within five years commence the construction of said road, then this act shall be void.

SEC. 6. Said company shall have the right to construct its said road with a single or double track, and with suitable turn-outs and switches as required, from some point in the vicinity of the fair ground south of Rutland village, through the highway, Strong's avenue and Merchants' Row, Grove street, Spring street, State street and the highway to Center Rutland and West Rutland; with a branch from the vicinity of the railroad depot through Washington street, Court street and Center street to Main street, and through Main street, north and south; also through Perkins' avenue and Grove street to Merchants' Row; and with the right to change the route so designated, or extend the line upon other streets and highways with the consent of the trustees of the village of Rutland, within the village limits, and of the selectmen of the town of Rutland without the same; and with the right, also, to purchase such real estate and rights of way as the business of the company may require, and construct its line, if desired, upon lands so purchased.

SEC. 7. For the purpose of constructing and maintaining its road, said company may enter upon, use and occupy so much of the streets and highways upon said route as shall be necessary; provided that such railway shall conform as nearly as possible to the grades which now are or hereafter may be established for such streets and highways, and that the tracks shall be so located as not unnecessarily to interfere with travel thereon, and shall not interfere with proper and free access to the culverts, sewers, water and gas pipes of said village and town. The location of said tracks and the form and mode of constructing said road shall be determined by said board of directors. Said railway may cross the tracks of any other railroad company, provided that it conform to the grade to be crossed. Said company shall keep the portion of the highway between its tracks, and for a distance of two feet on each side thereof, in as good condition for travel in all respects as is the adjacent highway, except that it shall not be obliged to make

repairs upon highway bridges; and shall so grade the surface of the streets and cross walks within and adjacent to its tracks, that persons and vehicles can conveniently cross or turn off from the same. If said company at any time shall fail to repair its track and the highway or street within or adjacent to the same, as above required, for the space of ten days after notice from the selectmen of the town, or from the trustees of the village within the village limits, then said selectmen or trustees may make such repairs as are required, and the town or village, as the case may be, may collect the expense thereof from said company.

SEC. 8. Said company may regulate its rates of fares and tolls for the transportation of passengers and property; provided that the trustees of the village or the selectmen of the town may apply to the county court of Rutland county at any stated term thereof by petition or complaint alleging that the rates of fare or tolls are excessive; which petition or complaint shall be served upon said company, with a proper citation, as a writ of summons, and said court shall hear the parties and decide and determine what rate of fare or tolls said company shall thereafter, for the period of five years, demand; provided that the same shall not be so low that said company cannot by its business pay a dividend of at least ten per cent per annum upon its capital stock; and the rate so fixed shall in such case be kept posted up in a conspicuous place on the inside of each passenger car used by said company.

SEC. 9. Any person who shall wilfully hinder or obstruct said company in the use of its road or tracks shall for every such offense, be fined not exceeding fifty dollars, or imprisoned not exceeding three months, or both.

SEC. 10. Said company shall have power to borrow money, and issuing its bonds therefor, bearing interest at a rate not exceeding eight per cent, and may mortgage its railroad and property to secure the payment of the same, to an amount not exceeding three-fourths of its capital stock actually paid in.

SEC. 11. This act shall be under the control of the legislature to repeal, alter or amend, as the public good may require.

Approved November 13, 1882.

No. 182.—AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE RUTLAND AND WOODSTOCK RAILROAD COMPANY.

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SECTION

1. Commissioners appointed to fill existing vacancies.

SECTION

2. Duties of commissioners.  
3. To take effect.



*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Franklin N. Billings and George R. Chapman of Woodstock are hereby constituted commissioners in the place of Thomas E. Powers and Sylvester E. Munger of said Woodstock, deceased, under the act entitled "An act to incorporate the Rutland and Woodstock Railroad Company," approved November 3, 1865, and the acts in amendment thereof and in addition thereto, approved November 20, 1874, and December 10, 1880.

SEC. 2. The commissioners under said act, and the acts in amendment thereof and in addition thereto, are authorized and required to open books for subscription for the stock of said company, in the manner prescribed by the fourth section of said act, at such time as the majority of said commissioners shall direct.

SEC. 3. This act shall take effect from its passage.

Approved November 28, 1882.



# No. 189.—AN ACT TO INCORPORATE THE RUTLAND TRUST COMPANY.

## SECTION

1. Corporators; name; powers, rights and privileges; location.
2. Capital stock.
3. Subscriptions to capital stock, how received; distribution of surplus stock, how made.
4. Organization of company, how made.
5. Each share of stock entitled to one vote.
6. Conditions precedent for commencing business.
7. Business managed by directors; eligibility to office and mode of election; liability of directors.
8. Rights of corporation not prejudiced by failure to elect officers on day specified.
9. Transfer of stock.
10. Powers of corporation.
11. By-laws.

## SECTION

12. Trust property must be invested agreeably to terms of trust.
13. Compensation for execution of trust.
14. Deposits may be paid to married women or minors.
15. Discretionary power given as to nature of investments.
16. Limitation of indebtedness of officers.
17. Liability of corporation.
18. No rights or powers conferred more than are accorded to individuals by general law.
19. Losses to be made good by assessment, etc.
20. Penalty of malfeasance of duty.
21. Subject to general laws and future legislation.
22. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The subscribers to the capital stock of the corporation hereby established, and their assigns, are constituted a corporation and body politic by the name of the Rutland Trust Company; and by that name may sue and be sued; have a common seal, and the same alter at pleasure; and may purchase and hold real and personal estate for their own use, and such real and personal estate as may be received in the collections of debts, and may sell and convey the same; and shall have and enjoy all the privileges incident to corporations; and said trust company shall be established at Rutland, in the county of Rutland.

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to any amount not exceeding two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each.

SEC. 3. The books for receiving subscriptions for shares in said corporation shall be opened at Rutland, in the county of Rutland, within ten months after the passage of this act, notice of which opening shall be published in a newspaper printed at Rutland, three weeks in succession, the last of which shall not be more than two weeks previous to the day fixed by the commissioners, and said notice shall be signed by a majority of said commissioners, under the direction of Horace H. Dyer, William Gilmore, Frederick Chaffee, George Willis, Charles E. Ross and Redfield Proctor of Rutland, and Justin Batcheller of Wallingford, in the county of Rutland, or a majority of them, who are hereby appointed commissioners for that purpose and who shall be sworn to a faithful discharge of their duty, and such books shall continue open from

ten o'clock A. M. till four o'clock P. M., Sundays excepted, for the space of ten days, and thereafter until three hundred and seventy-five shares shall be subscribed; and the subscribers shall, at the time of subscribing, deposit with the commissioners ten dollars on each share by them subscribed. The said commissioners, in case more than the whole amount of the capital stock is subscribed, shall allot and distribute the same among the subscribers in such manner as they may deem most for the interest of all concerned, and if there shall be an increase of the capital stock of said corporation as herein provided, the said increase shall be divided among the then stockholders *pro rata*, if they will accept the same, and in case the whole of such increase is not thus distributed, the surplus may be divided among the then stockholders of said corporation, who will receive and pay for the same in proportion to the amount of stock held by them, or in such other manner as the board of directors shall determine.

SEC. 4. Said commissioners shall, upon the whole amount of stock being subscribed for, or as soon after as they shall think proper, not exceeding sixty days, call a meeting of the stockholders of said corporation at such place in Rutland as they shall think proper, by publishing a notice thereof, signed by a majority of them, in a weekly newspaper printed in Rutland three weeks successively previous to such meeting, for the purpose of electing directors of said corporation; and said commissioners shall deliver to said directors of said corporation when elected, and within ten days after they shall enter upon the duties of their office, a list of all the names of persons entitled to shares in said corporation, and the number of shares to which each is entitled, and the sum by each deposited with them also the moneys received by them on deposit on said shares; which list the said directors shall cause to be recorded in the books of said corporation, and thereupon issue certificates to such subscribers for their stock.

SEC. 5. Every stockholder shall be entitled to one vote for directors for every share of capital stock standing in his or her name.

SEC. 6. The corporation shall not commence business until at least twenty per cent of the whole capital stock shall have been paid into said corporation. After the shares shall have been distributed and allotted, each stockholder shall pay the whole amount remaining due on shares so held by him, at such time or times as the board of directors shall appoint, of which at least ten days' notice shall be given to each subscriber by mail, and publishing the same in some newspaper printed in the town of Rutland; and the shares of each stockholder omitting to make such payment shall be forfeited together with all previous payments made thereon; provided, there shall be at least twenty thousand dollars of the capital stock paid in yearly until the whole fifty thousand dollars shall have been paid in.



SEC. 7. All the business of said corporation shall be managed by not less than five nor more than nine directors, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in said corporation, each to the amount of at least one thousand dollars, and at least three-fourths of whom shall be inhabitants of this state, and shall hold their office until the third Monday in January after their election, and until their successors are elected and qualified, and shall be elected annually after their first election, at such time and place as a majority of the directors for the time being shall direct, public notice whereof shall be given by publication of the same in a paper printed in the county of Rutland, for the space of two weeks next previous to such election, and all such elections shall be made by ballot by the stockholders of said corporation who shall be present in person or by proxy, and the several persons who shall receive the greatest number of votes at such election shall be directors; and if any two or more persons shall receive an equal number of votes so that more than the required number of persons shall by a plurality of votes appear to be elected, the stockholders shall proceed to ballot a second time and by a plurality of votes determine which of such persons so having an equal number of votes shall be directors; and in case any vacancy shall happen by death, resignation or otherwise, the vacancy shall be filled from among the stockholders by a majority of the remaining directors. After their election the directors shall elect from their number a president and vice-president and such other officers as they may deem necessary. The said directors shall be liable to the creditors and stock holders of said corporation for any loss which may be sustained in consequence of any incompetency, unfaithfulness or remissness in the discharge of their official duties, hereinbefore or hereinafter prescribed, and any number of such directors may be sued in the same action by any claimant under these provisions.

SEC. 8. If the election of directors shall not be made on the day herein prescribed, said corporation shall not be thereby dissolved, but a meeting for the election of directors may be held on any day under such regulations as shall be prescribed by the by-laws of the corporation.

SEC. 9. The shares in said corporation shall be transferred only in such manner and under such regulations as shall be prescribed by the by-laws of the corporation; provided no transfer shall be valid until recorded by the treasurer, or, in his absence, by one of the directors, in a book for that purpose.

SEC. 10. The corporation hereby created shall have power:

*First*, To receive moneys on deposit or in trust, at such rate of interest or on such terms as may be agreed upon, the rate of interest to be allowed for deposits not exceeding the legal rate.

*Second*, To accept and execute all such trusts of every description, and not inconsistent with the laws of this state, as may be committed to them by any person or persons whomsoever, or by



any corporation, or by any order of the supreme court, probate court or other court of record in this state.

*Third,* To take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate, on trusts created in accordance with the laws of this state, and execute such legal trusts on such terms as may be declared, established or agreed upon, and in case no terms are declared, established or agreed upon, then the trust property is only to be invested as provided by the terms of this act.

*Fourth,* To accept from and execute trusts for married women in respect to their separate property, whether real or personal, and act as agent for them in the management of such property.

*Fifth,* To accept deposits where public officers or municipal or private corporations are authorized or required by law to deposit money in a bank; and such deposit may be made by such officers or corporations with the said Rutland Trust Company.

*Sixth,* To issue letters of credit upon such terms as may be agreed upon by the directors.

SEC. 11. The directors of said corporation may make such by-laws and regulations as they may deem necessary and proper, not inconsistent with this act, or the laws of this state.

SEC. 12. All trust property confided to said corporation shall be invested only according to the terms of the trust.

SEC. 13. The corporation shall be allowed as compensation for the care of the trust property, the investment and collection of the same, and for other services rendered in the execution of such trust, such sum as shall be agreed upon; and in the absence of any agreement, such compensation as is fixed by the by-laws or regulations of said corporation in force at the time such trust is created.

SEC. 14. The directors and other officers of said corporation may, at their discretion, pay to any minor or married woman such sum as may have been deposited by and be due to him or her, the same as if such minor was of age and such married woman unmarried; and the check receipt or acquittance of such minor or married woman shall be a full discharge for the amount for which it is given.

SEC. 15. The directors shall have discretionary power of investing the moneys received by them on deposit or in trust in the methods permitted by law to savings banks and trust companies, and also in such real estate or personal security as they shall deem proper; provided that when a special direction or agreement is given or made by or with those making deposits or leaving trust property with said corporation, as to the mode of investment thereof, the same shall be strictly followed.

SEC. 16. No director, officer or employe of said corporation shall be, at any one time, directly or indirectly indebted to said corporation for more than one-tenth part of the capital stock

actually paid in, and no loan shall be made to such director, officer, or employe of said corporation without the written consent of a majority of the directors; provided that the discount of *bona fide* bills of exchange drawn against actually existing values, and the discount of commercial or business paper actually owned by such director, officer, or employe negotiating the same, shall not be considered as money borrowed.

SEC. 17. Said corporation shall be liable at all events (the act of God and the public enemies only excepted) for all deposits, and for the safe keeping of all bonds and other securities received by said corporation in trust; provided that in case of the dissolution of said corporation, by act of law or otherwise, the debts due from said corporation incurred by deposits in favor of minors, insane persons or married women in their own right, shall have preference and be satisfied before any other debts due from said corporation are paid.

SEC. 18. This act shall not be construed to confer on said corporation any right or power to make any contract or to accept any trust whatever which it would not be lawful for any individual, under the general rules of law which are or shall be in force, to make, accept or execute.

SEC. 19. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment, and no dividends shall be made or declared upon the capital stock of said corporation until the same are actually earned and realized over and above all losses and expenses.

SEC. 20. Any president, director, or other officer of said corporation who shall misapply or divert the moneys, funds, or other trust property confided to and accepted by said corporation from the purposes and objects prescribed by this act, or who shall participate in such misapplication or diversion, shall on conviction thereof be punished by imprisonment in the state prison not to exceed five years, and be fined not to exceed five thousand dollars, or either of said punishments, in the discretion of the court.

SEC. 21. This corporation shall be subject to the provisions of law applicable to trust companies, contained in chapter one hundred and sixty-one of the Revised Laws of Vermont, and shall also be subject to all general laws which may hereafter be enacted in relation to trust companies, and to the power of the legislature at any time hereafter to repeal, alter, or modify this act or any of its provisions.

SEC. 22. This act shall take effect from its passage.

Received November 7, 1882, and delivered to the secretary of state November 14, 1882, without the signature of the governor.

Acts and Resolves 1882

GEO. W. WALES,  
Secretary of Civil and Military Affairs.



No. 204.—AN ACT TO CONSOLIDATE AND AMEND THE  
VARIOUS ACTS HERETOFORE PASSED CONCERNING  
THE VILLAGE OF RUTLAND.

## SECTION

1. Village boundaries; name; powers, rights and privileges.
2. Division into wards; mode of changing.
3. Annual meetings, when held and how called.
4. Special meetings, how called.
5. Eligibility of voters.
6. Officers, how elected.
7. Tenure of office.
8. Trustees to prepare a check list.
9. Trustees to establish different voting places.
10. Check list to be divided into parts corresponding in number to the voting places.
11. Trustees to open one ballot box in each ward for the election of trustees.
12. Check list to be divided corresponding to the number of wards; each ward check list to be alphabetically arranged; eligibility of voters in wards.
13. Designation of persons to preside at the several voting places; presiding officer must not be a candidate for any office.
14. Time of opening and closing polls.
15. Election of officers, mode of determining.

## SECTION

16. Vacancies in office, how filled.
17. Duties of president at village meetings.
18. Powers of president relative to trustees.
19. Duties of clerk.
20. Duties of treasurer and collector.
21. Duties of auditor.
22. Duties of engineers.
23. Officers appointed; tenure of office.
24. Compensation of street commissioner and police.
25. Duties of street commissioner.
26. Duties and powers of fire wardens; refusal to obey an order of fire warden deemed a misdemeanor; penalty therefor.
27. Powers of police officers.
28. Obligations of water commissioners.
29. Quorum of water commissioners.
30. Duties and powers of water commissioners.
31. Water rents, limitation of time of payment.
32. Supply of water may be cut off for non-payment of rents.
33. Owners of real estate responsible for rent of water furnished; regulations relating to payment thereof.



## SECTION

34. Water rents to be a tax and lien upon real estate supplied; manner of collection.
35. List of water rents in arrears, how made; duty of collector relative thereto.
36. Water rents collected by village collector to be paid to village treasurer.
37. Treasurer to keep a separate account of moneys received for water rents; disposition of the same, how made.
38. Authority to fund due and unpaid water bonds.
39. Power to improve and increase supply of water.
40. Methods authorized for using water so furnished.
41. Description of water sources taken for the use of the corporation to be filed in the town clerk's office where such sources are located.
42. Liability of village for water sources taken, or other damages inflicted; remedy in case of non-settlement thereof.
43. Nature of process to be served on village, in case of non-settlement of damages.
44. Proceedings in county court, relative to damages; nature thereof.
45. Diversion of water from sources taken by the village, or malicious destruction of appurtenances of waterworks, or with the distribution and flow of water, deemed a misdemeanor; penalty thereof.
46. Village territory to constitute a highway; district; mode of collecting and disbursing highway taxes.
47. Powers of trustees relative to streets, etc.
48. Power of trustees to construct sewers; liability of corporation relative to such construction.
49. Liability of owners of real estate, benefited by the construction or repairing of sidewalks, sewers, etc.
50. Requisite notice for considering the question of damages or benefits; duty of trustees upon such questions being determined.
51. Remedy for parties aggrieved for damages awarded, or assessments made.
52. Procedure of county court under the provisions of preceding section.
53. Amount of assessment fixed by court to constitute a lien upon the real estate; method of collection thereof.
54. Duty of village clerk relative to assessment fixed by court.
55. By-laws, nature and purpose of.
56. By-laws to be recorded; clerk's certificate thereof evidence in court.
57. Penalty for violation of by-law.
58. Penalty for neglect to pay fine

## SECTION

- and costs imposed for violation of by-law.
59. Municipal court established.
60. Municipal judge, how elected; clerk of court, appointed and removed by the judge; duties of clerk.
61. Disposition of causes pending, in case of inability of judge to hear the same.
62. Jurisdiction of municipal court.
63. Exclusive original jurisdiction granted for violation of village ordinances and by-laws; further jurisdiction granted.
64. Jurisdiction over persons charged with crime committed in Rutland county.
65. Jurisdiction of justices of the peace, granted said court.
66. Powers of the court in prosecutions for nuisances.
67. Criminal prosecutions before the municipal court, by whom brought.
68. Powers of court in cases of actual imprisonment by virtue of complaint for crime committed.
69. Proceedings of court to be governed by the statutes of the state.
70. Right of appeal granted, with certain exceptions.
71. Right of appeal granted in criminal causes.
72. Right of appeal to supreme court granted, in all civil and criminal causes, under same rules as provided by law for exceptions from the county court; no exceptions allowed in appeal to county court.
73. Statutes relative to causes passing from county to supreme court, applicable to causes passing from municipal court.
74. Statutes and rules of law applicable to judgments of municipal court.
75. Salary of municipal judge.
76. Compensation of Clerk.
77. Fees allowed to judge, jurymen and parties.
78. Fees allowed to prosecuting officer.
79. Disposition of fines, penalties and forfeitures.
80. Assessment of taxes.
81. Powers conferred to provide for the payment of debts due.
82. Disbursements of money made only upon the order of the trustees.
83. Trustees empowered to grant licenses.
84. Establishment of pounds and appointment of keepers.
85. Citizen disqualified for judicial proceeding by reason of citizenship.
86. Repeal of certain statutes.
87. Act to be deemed public, and subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont:*

INCORPORATION. BOUNDARIES.

SEC. 1. The inhabitants of that part of the town of Rutland embraced within the following described limits, viz.: commencing at a point on the east bank of Otter Creek, where a continuation of Robert Moulthrop's north line would strike said bank of said creek at the water's edge at low water mark; thence easterly to the said Moulthrop's northeast corner; thence easterly in the same direction to a point due south from the bridge crossing Moon's brook, on Green street; thence north to a point due east of H. H. Baxter's northeast corner; thence west to said Baxter's northeast corner; thence westerly on said Baxter's north line, and in the same direction to East Creek; thence southwesterly on the east bank of said East Creek to Otter Creek, and thence southerly on the east bank of said Otter Creek to the place of beginning are hereby incorporated and made a body corporate and politic, under the name of the Village of Rutland, and by that name may sue and be sued, prosecute and defend in any court; may have a common seal and alter it at pleasure; may take, hold, purchase and convey real and personal estate; and generally shall have, exercise and enjoy all such rights, immunities, powers and privileges as are incident to public corporations.

WARDS.

SEC. 2. The village of Rutland is hereby divided into seven wards, the boundaries whereof shall be the boundaries of the wards in said village as at present established. The trustees may alter the boundaries of wards in the year 1885 and in every fifth year thereafter, and shall make a certificate of all alterations which they make, which certificate they shall cause to be recorded in the village records.

MEETINGS AND VOTERS THEREIN.

SEC. 3. The annual meeting of said village shall be held on the last Wednesday of April, at two o'clock in the afternoon, at the village hall in said Rutland, or at such other place as the trustees of said village shall appoint, of which notice shall be posted at two public places in said village, and published once in any newspaper printed therein, at least ten days previous to said meeting, which notice shall be signed by the clerk of said village, and in case of his failure, by the trustees.

SEC. 4. On request of five legal voters of the village, the clerk, and upon his neglect or refusal, the trustees, may call a special meeting of said village, giving notice of the same as in case of the annual meeting, and specifying in the notice the objects of the meeting.

SEC. 5. Persons who have resided in the village one year and who are voters in town meeting shall be voters in village meeting.



## OFFICERS. TERM OF OFFICE.

SEC. 6. At every annual meeting of said village there shall be elected by ballot the following officers: A president of the village, seven trustees, a clerk, treasurer, collector, auditor, water commissioner, municipal judge, chief engineer, first assistant engineer and second assistant engineer. The trustees shall be elected one by each ward, and the trustee elected by a ward shall be a resident of that ward. The other officers shall be elected by the village at large.

SEC. 7. The term of office of each officer mentioned in the preceding section, elected at the annual meeting, shall begin on the day following his election, and, except in the case of water commissioner, shall continue for one year and until his successor is elected. The term of office of a water commissioner elected at the annual meeting shall continue for three years and until his successor is elected.

## MODE OF CONDUCTING ELECTIONS.

SEC. 8. The trustees shall, previous to an annual village meeting, prepare an alphabetical list of the persons qualified to vote at such annual meeting, in the same manner, and subject to the same provisions in respect to corrections and use in all respects, as are enacted by chapter six of the Revised Laws concerning a checklist of voters for use in freemen's meetings; the trustees having the same powers and duties in respect thereto as are by said chapter conferred upon the selectmen and the board of civil authority of towns.

SEC. 9. The trustees shall direct the opening, at one or more places in the room where an election is held, of one or more sets of ballot boxes for receiving votes for all officers required to be elected by the village, except trustees. The number of boxes at each voting place shall be the same, and shall be determined by the trustees in such manner as shall facilitate the receiving and counting of the votes.

SEC. 10. When more than one voting place is provided for votes for officers other than trustees, the trustees shall divide the check list of voters into as many parts as there are voting places, and no person shall vote except at the place provided for his portion of the list which contains his name.

SEC. 11. The trustees shall direct the opening in the room where an election is held, of one ballot box for each ward for receiving votes for trustees, with the name of the ward for which it is used distinctly marked thereon, and shall so locate the various boxes as best to accommodate the voters.

SEC. 12. The trustees shall divide the check list of voters according to wards, and arrange the names of voters residing in each ward in an alphabetical list, which shall be the check list for



such ward. The list for each ward shall be kept at the polling place for trustee for such ward, and no person shall vote for trustee in a ward unless his name is on the check list for such ward. No person shall be entitled to have his name placed upon any ward check list unless he has resided in such ward for at least three weeks previous to the time of completing such check list.

SEC. 13. The president of the village shall designate one of the trustees to receive the votes at each voting place for offices other than trustees, and shall designate to receive the votes for trustee in each ward a voter residing in such ward; and the clerk of the village shall designate a deputy clerk for each voting place who shall check the names of all persons voting upon the check list of such voting place, and the deputy clerk designated for the voting place for trustee in each ward shall be a voter residing in such ward. The persons so designated by the president and clerk shall be persons who are not known candidates for any office at such election.

SEC. 14. The ballot boxes for receiving votes for all village offices shall be opened at two o'clock in the afternoon of the day on which the election is held, and shall be closed at five o'clock in the afternoon of such day. Each voter shall deliver to the person in charge of his proper voting place his vote for said office with the names of the several persons he would elect fairly written or printed thereon, designating the offices intended for the persons voted for respectively.

SEC. 15. On closing the boxes, as above required, the president of the village, the clerk and the deputy clerks, shall proceed to sort and count the votes thus given, and shall make a list of the persons voted for, and the number of votes cast for each respectively; which list shall be certified and signed by such president and clerk, and recorded by the clerk in the records of said village; and the persons having the greatest number of votes for said offices respectively, shall be deemed to be elected thereto, and shall be declared so elected, by said president. In case of a tie vote for trustee in any ward the presiding officer shall so inform the meeting, and another balloting shall be had by the voters of such ward, a reasonable time being given for receiving and counting the votes.

#### VACANCIES IN OFFICE.

SEC. 16. When a vacancy occurs in any of the offices of said village required to be filled by election, by reason of non-acceptance, death, removal, insanity, refusal to act or from any other cause, the village may fill the vacancy by a new election for the unexpired term, at any legal meeting. The trustees may, by temporary appointment, fill any vacancy which may occur in any of the offices of said village, including the offices of president of the village and trustee, and the persons so appointed by said trustees shall hold their offices until the village shall elect others in their stead, as above provided; and such appointments shall be recorded in the office of the clerk of the village.

## DUTIES OF OFFICERS.

SEC. 17. The president of the village shall preside at all the meetings of said village, and he shall have the same powers therein as a moderator of town meetings. If the president is absent a president *pro tem.* may be elected by the village.

SEC. 18. By virtue of his office the president shall be a member of the board of trustees and president thereof. If the president approves of any vote or resolution of the board of trustees he shall sign the same and the same shall be filed in the office of the clerk of the village, but if he does not approve the same, he shall file his objections thereto in the office of the clerk of said village within two weeks from the passage of said vote or resolution, and in that case the board of trustees at their next regular meeting shall reconsider such vote or resolution, and unless two-thirds of the whole number of said board of trustees vote in favor of the same it shall not take effect. If the president does not file objections to any vote or resolution of said trustees within two weeks after its passage, the same shall take effect without his approval.

SEC. 19. The clerk shall keep a record of all the proceedings of the corporation, and may certify copies of such record. He shall also perform such other duties as are usually performed by clerks of villages.

SEC. 20. The treasurer and collector shall perform for said corporation the same duties required by law respectively of a town treasurer and a collector of town taxes, and shall have the same powers, shall proceed in the same manner, be subject to the same liabilities, and give like bonds to said corporation for the faithful performance of their respective duties, the treasurer's bond being at least in the sum of ten thousand dollars.

SEC. 21. The auditor shall audit all the accounts of trustees, water commissioners and treasurer, and no account shall be allowed by such auditor without the production of proper vouchers therefor.

SEC. 22. The engineers shall be *ex-officio* fire wardens with the powers and authority given to fire wardens by section twenty-six. The duties of said engineers shall be such as are or may be prescribed by the by-laws and ordinances of said village; and they shall also at all fires in the village superintend all labor to extinguish the same, subject to the by-laws and ordinances of said village.

## OFFICERS APPOINTED BY TRUSTEES.

SEC. 23. The trustees may appoint and remove at any time in their discretion, by vote of a majority of the said board of trustees, the following officers, causing a certificate of their appointment or removal to be filed and recorded in the office of the clerk of said village, viz.: one street commissioner, seven fire wardens, one from each ward, a chief of police, and three police officers, all of whom



shall hold their office for one year, or until removed by the said trustees. The said trustees may temporarily increase the number of police officers, and such temporary police officers shall hold their office until duly discharged. The trustees may also appoint special police officers who shall serve one year or until discharged, without cost to the village.

SEC. 24. The compensation of the street commissioner, chief of police and police officers, except those serving without cost, shall be fixed by the trustees.

SEC. 25. The street commissioner shall superintend the construction and repair of streets, walks, culverts, sewers and drains, subject to the authority and direction of the trustees.

SEC. 26. The fire wardens shall have power in times of fires to suppress all tumults and riots, by force if necessary; to direct the labor of all persons present during the continuance of such fires; to remove goods and effects endangered by such fires, and protect the same from waste and depredation; to pull down or remove any house, store or other building, when they may deem it necessary to prevent the spreading of such fires, for which neither they nor their assistants shall be made liable, and to require of the inhabitants of said village their aid and assistance for the several purposes aforesaid; and said fire wardens may inspect the manner of manufacturing and keeping gunpowder, lime, ashes, matches, lights, fire-works of all kinds, and other combustibles, and the construction and repairs of fire-places, stoves, flues and chimneys in said village. A majority of said fire wardens may, if they deem the same dangerous, order the persons manufacturing and keeping such gunpowder, lime, ashes, matches, lights, fire-works or combustibles, in what manner to manufacture and keep the same; and the owners of such fire-places, stoves, flues or chimneys, how to repair the same; and a person who does not obey such order shall be fined not more than twenty dollars.

SEC. 27. The police officers shall have the same power to serve criminal processes within said village that a constable now has, and, subject to the by-laws and ordinances of said village, may arrest without process any person disturbing the peace, or any public meeting, or creating disturbance or committing nuisance in the public streets of said village, and confine the same until a trial can be had, which shall be given without delay.

#### WATER COMMISSIONERS.

SEC. 28. Each water commissioner, before entering upon the duties of his office, shall give a bond to said village, with sufficient surety, to be approved by the treasurer of the village, in a penal sum of ten thousand dollars, with the conditions to faithfully perform the duties of water commissioner for said village during his term of office, and to account to the village for all moneys which shall be received by him belonging to the village, which bond shall be kept by such treasurer for the village; and the office



of any such water commissioner failing to give such bond for the space of one week after his election shall become vacant.

SEC. 29. Two water commissioners shall constitute a quorum for the transaction of business.

SEC. 30. The water commissioners shall have the control and management of the water supply of the village, and all the water sources, water rights, aqueducts, reservoirs service pipes, hydrants and other property of the village connected therewith, and may from time to time grant permits for the use of the water from said aqueducts, and upon such terms and conditions, and for such compensation or rent, as they shall from time to time prescribe, subject to such rules and regulations as may be established by said village, and, subject to like rules and regulations, they shall collect the said water rents and pay the same to the treasurer of the village. The commissioners shall account to the village for rents received by them at each annual meeting and at any special meeting called for that purpose.

#### WATER RENTS.

SEC. 31. Sums of money due the said village for water supplied shall be called water rents, and the same shall be due and payable in advance on the twentieth day of June of each year; and if the same are not paid on or before the twentieth day of July following, five per cent thereof shall be added thereto as a penalty for not paying the same when due.

SEC. 32. If any such water rents are not so paid in advance, as above provided, the supply may be cut off by the water commissioners, subject to such regulations as the village by-laws or ordinances may prescribe.

SEC. 33. The owners of the real estate supplied with such water on the twentieth day of June of each year shall be the persons or parties from whom all water rents for the year then next ensuing shall be collected, agreeably to the provisions of this act; provided, however, that should the ownership of any such real estate change after the twentieth day of June, in any year, and no water be used therein until after that date, then the water rents therefor shall be collected of the owner or owners thereof at the date of the commencement of the use therein; and all water rents due after the twentieth day of June in any year, if not paid to the water commissioners, shall, with interest thereon from the time the same shall become due to the twentieth day of June next following, and a penalty of five per cent thereof added thereto be included in the list of water rents for said village, to be paid next after the same shall have become due; and all water rents omitted by mistake, or through ignorance thereof, from any list, may, with interest thereon from the time the same shall have become due to the twentieth day of June next after the omission, and a penalty of five per cent thereof added thereto, be included in the list of water rents for the said village, to be issued next after the

discovery of such omission, provided that the date of such list shall be within three years from the time such water rents shall have become due.

SEC. 34. Water rents shall be a tax and a lien on the real estate supplied with the water, and shall be collected in the same manner as other taxes of said village, and the owners of such real estate shall be subject to the same liabilities therefor as for other village taxes.

SEC. 35. The water commissioners of said village shall between the twentieth day of July and the first day of August of each year make out a list of the water rents due said village, with five per cent thereof added thereto, in which list they shall set down in three separate columns, according to the best information in their power:

*First*, In the first column, the name of the owner of the real estate chargeable with water rents under the provisions of this act.

*Second*, In the second column, the name of the street or avenue and the number or some other brief description of the tenement, building or lots chargeable with water rents as aforesaid.

*Third*, In the third column, the amount of water rent due for water used or to be used in such tenement, building or lot.

And the water commissioners, or a majority of them, shall certify that the same is a true list of the water rents due said village at the date thereof, and shall attach thereto a warrant for the collection of said water rents, signed by a justice of the peace in and for the county of Rutland, which shall be in the same form as is now prescribed by statute for warrants for the collection of town and other taxes, and shall be directed to the collector of taxes for said village; and the water commissioners shall deliver such list of water rents, with the warrant for the collection of the same thereto attached, to such collector of taxes, who shall collect the same as provided in this act.

SEC. 36. All moneys collected by the collector of taxes for said village upon the list of water rents, as delivered to said collector for collection by the water commissioners of said village, and all water rents received by said commissioners shall be paid by them to the treasurer of said village.

SEC. 37. The treasurer of said village shall keep a separate account for the moneys paid into the treasury as water rent, and shall pay therefrom, first: the interest due and becoming due on all bonds or notes issued by said village or its water commissioners for the purpose of supplying said village with water, or in the construction of any reservoir connected therewith; and, second, shall pay any balance on hand upon the order of the water commissioners or a majority of them. Any surplus remaining after meeting all accruing interest payments and all current expenses of the water supply, shall be invested by the water commissioners in said bonds or in other safe securities, and shall constitute a sinking fund for the ultimate payment of the principal of said debt.



## FUNDING OF WATER BONDS.

SEC. 38. The village of Rutland is hereby authorized and empowered to fund its water bonds now outstanding and already due and unpaid, and those which may mature hereafter, at a rate of interest not exceeding five per cent per annum.

## WATER SUPPLY.

SEC. 39. The village of Rutland in its corporate capacity is hereby authorized and empowered to increase, enlarge and improve its water sources, water rights and aqueducts, with the view of providing an increased supply of pure water for public and private uses in said village; and for that purpose it may take and hold, by purchase or otherwise, such ponds, springs, streams, water sources, and the waters thereof, within the limits of the towns of Rutland, Chittenden and Mendon, in the county of Rutland, in this state, and such lands under and around the same as may be necessary for the purposes aforesaid.

SEC. 40. The said village, for the purpose of using the water taken as aforesaid, may take and construct dams and reservoirs, lay pipes and aqueducts, and connect the same with the pipes and reservoirs now laid or which may hereafter be laid or constructed by said village to convey the water taken as aforesaid to the reservoirs of said village, and may take, by purchase or otherwise, any lands which may be necessary therefor in said towns of Rutland, Chittenden and Mendon.

SEC. 41. Said village shall, within sixty days after taking any springs, streams, ponds, water sources or lands under the provisions of this act, file in the office of the town clerk of the town where such lands, springs, ponds, streams or water sources are taken, a description of the same sufficiently accurate for identification at all times.

SEC. 42. The said village shall be liable to pay all damages that shall be sustained by any person in their property by the taking of any lands, springs of water, water sources, streams or ponds, by the construction of any dams or reservoirs, or the laying of any pipes, hydrants or aqueducts, or other works for the purposes aforesaid; and if such person shall be dissatisfied with the sum offered or tendered to him by the trustees of said village for his damages in the premises, such person may petition the county court for the county of Rutland for the appointment of three commissioners to assess his damages in the premises.

SEC. 43. Such petition shall be served on one of the trustees of said village within sixty days next after the filing of the description of the property so taken as aforesaid, in the town clerk's office of the towns of Mendon, Chittenden or Rutland, as required by the forty-first section of this act.

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SEC. 44. The same proceedings shall be had in the county court upon such petition as upon the petition of a person dissat-



ified with the award of damages of trustees in laying out sidewalks or sewers.

SEC. 45. A person who diverts any part of the water from the sources taken by the village pursuant to the preceding sections, or who maliciously destroys or injures a dam, reservoir, aqueduct, pipe, hydrant, or any similar property or property appurtenant thereto, held, owned or used by said village, or wantonly or maliciously diverts any part of the water from an aqueduct belonging to said village, or corrupt such water or renders it impure, or obstructs its flow by unnecessarily depositing any foreign substance therein, or wantonly or maliciously interferes with the distribution and flow of the water of said aqueduct by altering, opening or shutting a stop-cock, gate, hydrant or gauge in or attached to said aqueduct, shall be fined not more than three hundred dollars and imprisoned not more than six months, and shall forfeit to the village three times the amount of damage occasioned by such act, to be recovered with costs in an action on the case founded on this statute.

#### HIGHWAYS AND SEWERS.

SEC. 46. All the territory embraced within the limits of said village is hereby constituted a highway district of the town of Rutland, and all the highway taxes assessed upon the polls and ratable estate thereof shall be paid in money, and the selectmen of the town of Rutland shall make out a tax bill thereof and deliver the same seasonably, as required by law, with a warrant for its collection to the collector of said village, who shall collect the same as other taxes of said village are collected and pay the same over to the treasurer of said village, which money shall be drawn from said treasury of said trustees and shall be expended by them in building, constructing, maintaining and repairing the streets, highways, walks, alleys, sewers and lanes of said village, and no surveyors of said highway district shall be required or chosen by said town.

SEC. 47. The trustees of said village may lay out, alter, maintain and discontinue any street, road, lane, alley or walk in said village, and appraise and settle the damages thereof, causing their proceedings to be recorded in the office of the clerk of the town of Rutland; provided that any person or persons aggrieved by their appraisal shall have the like opportunity for applying to the county court for the county of Rutland to obtain redress, as is or may be allowed by law to those aggrieved with the proceedings of selectmen in similar cases.

SEC. 48. When authorized by vote of the said village at any legal meeting duly warned, the said trustees, or a majority of them, may construct sewers and drains within the limit of said village, and for that purpose may enter upon the lands of any land owners in said village, and lay, make and maintain a sewer or drain through such land and repair the same when necessary upon payment or tender of payment of such compensation as damages therefor as the

said trustees shall award to such land owner or to any tenant or occupant of such land.

Payment or tender of payment of damages in such case may be made to such land owner or occupant of the land through which such sewer or drain is to be laid, or to the agent or attorney of any such person entitled to compensation.

SEC. 49. Said trustees in making, altering or repairing sidewalks, culverts, sewers and drains shall have power, subject to the ordinances and by-laws of said village, on giving twelve days notice to the parties interested of the time and place of hearing, to assess the owner or owners of land or lands benefited thereby so much of the expense of making, altering or repairing the same as said trustees shall judge such lands to be benefited thereby.

SEC. 50. When said trustees enter upon lands under the authority and for the purpose above named, they shall give twelve days' notice to all persons owning or interested in such lands when they will hear and consider the question of damages, or assessments for benefits, or both. And in all cases when either assessments are made or damages allowed the said trustees shall forthwith make a report of their doings, which report they shall cause to be filed in the office of the village, who shall record the same in the records of said village.

SEC. 51. When any person shall be dissatisfied with the decision of said trustees in the award of damages for laying, making, altering or repairing any sewer, drain, sidewalk or culvert, or in any assessment for benefits of the same, such person may petition the Rutland county court for a re-assessment of such damages or benefits. Said petition shall be served on the clerk of said village within sixty days next after said award of damages or assessment for benefit shall be filed in said clerk's office, and at least twelve days before the session of the court to which it shall be addressed; and such petition shall not delay the making or repairing of such sewer or drain or sidewalk or culvert.

SEC. 52. The county court shall, when petitioned under the the provisions of the preceding section, appoint commissioners as in case of an application for laying out a highway. Such commissioners shall notify the petitioners and one of the trustees of said village of the time and place of hearing, and shall examine the premises and the circumstances of the case, and make a new appraisal; and the court, on their report, may set aside the former assessment of damages, and render judgment for such sum as appears just; and if the sum is greater than the sum before allowed, the court may tax costs for the petitioner; otherwise the village shall recover its cost. But if no proceedings for re-assessment are instituted, as provided by the last preceding section, within the time therein limited, the assessment or assessment for benefit shall be established as valid and shall be collectible.



SEC. 53. The amount of such assessment or assessments as fixed by the final decision, either of the county court or the said trustees shall, when the record thereof is duly recorded in the said village clerk's office, be a lien upon the land or lands so assessed, and if the owner or owners of such land or lands shall neglect for the space of six months after the final decision of said trustees or of the county court to pay to the treasurer of said village the amount of such assessment or assessments, the trustees shall make out a rate bill of the same, giving therein a general description of the lands so assessed, and shall seasonably deliver such rate bill to the collector of taxes for said village with a warrant thereto attached, signed by a justice of the peace in and for the county of Rutland, for the collection of said assessment or assessments, which warrant shall be in the same form and shall be enforced in the same manner now prescribed by law for the collection of town and other taxes. And the collector shall receive like fees as in the collection of taxes.

SEC. 54. It shall be the duty of the clerk of said village in all the foregoing cases when an encumbrance is created upon land by proceedings of the said trustees or county court, forthwith to cause a duly certified transcript of the record thereof to be filed in the town clerk's office of the town of Rutland and there recorded.

#### BY-LAWS.

SEC. 55. Said village shall have power to make, establish, alter, amend or repeal ordinances, regulations and by-laws for the following purposes:

*First*, To establish and regulate a market.

*Second*, To suppress and restrain disorderly and gaming houses, billiard tables, and all descriptions of gaming, and for the destruction of all instruments and devices used for that purpose.

*Third*, To regulate the exhibition of common showmen, and of shows of every kind not interdicted by law.

*Fourth*, To abate and remove all public and private nuisances.

*Fifth*, To compel the owner or occupant of any unwholesome, noisome or offensive house or place, to remove or cleanse the same from time to time, as may be necessary for the health or comfort of the inhabitants of said village.

*Sixth*, To direct the location and management of all slaughter houses, meat markets, steam mills, blacksmith shops and sewers.

*Seventh*, To regulate the manufacture and keeping of gun-powder, ashes and all other combustible and dangerous materials.

*Eighth*, To regulate the making of alterations and repairs of stove pipes, furnaces, fire-places and other things from which damage by fire may be apprehended, and also to regulate the use of buildings in crowded localities for hazardous purposes; to provide for the preservation of buildings from fires by precautionary measures and inspections, and to establish and regulate a fire department and fire companies.

*Ninth*, To prevent immoderate riding or driving in the streets, and cruelty to animals.



*Tenth,* To regulate the erection of buildings, and to regulate entrances and exits to public halls and theaters, and to direct the closing of public halls and theaters until proper exits are provided, to prevent the encumbering of the streets, sidewalks and public alleys with fire-wood, lumber, carriages, boxes and other things, and provide for the care, preservation and improvement of public grounds.

*Eleventh,* To restrain or regulate the running at large of cattle, horses, swine, sheep and other domestic animals, and establish and maintain a pound for impounding the same, subject to the provisions of chapter one hundred and seventy-nine of the Revised Laws as to notices, fines, penalties and fees, which fines penalties and fees may be doubled.

*Twelfth,* To provide a supply of water for the protection of the village against fire, and for other purposes, and to regulate the use of the same.

*Thirteenth,* To compel all persons to remove from the sidewalks and gutters adjacent to the premises owned or occupied by them, all snow, ice, dirt and garbage, and to keep such sidewalks and gutters clean.

*Fourteenth,* To license inn-keepers, keepers of saloons or victualing houses and auctioneers, under such regulations and for such sums of money as shall be prescribed therefore.

*Fifteenth,* To regulate or restrain the use of rockets, squibs, fire-crackers or other fire-works in the streets or commons, and to prevent the practicing therein of any amusements having a tendency to injure or annoy persons passing thereon, or to endanger the security of property.

*Sixteenth,* To regulate gauging; the place and manner of selling and weighing hay; packing, inspecting and branding beef, pork and produce, and selling and measuring wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

*Seventeenth,* To regulate porters, truckmen, cartmen and cartage; also hackney coaches, cabs and carriages, and their drivers.

*Eighteenth,* To prescribe the powers and duties of watchmen of said village.

*Nineteenth,* To regulate the grade of streets, and the grade and width of sidewalks, and the construction thereof, and protect the same.

*Twentieth,* To provide for lighting the village.

*Twenty-first,* To prohibit and punish wilful injury to trees planted for shade, ornament, convenience or use, public or private, and to prevent and punish trespasses, or wilful injuries to or upon public buildings, squares, commons, cemeteries or other property.

*Twenty-second,* To restrain and punish vagrants, mendicants and common prostitutes, and to suppress houses of ill fame.

*Twenty-third,* To establish and maintain a public library and reading room.

*Twenty-fourth,* To regulate the burial of the dead.

And said village may make, establish, alter, amend or repeal, any other by-laws, rules and ordinances which it may deem necessary

for the well being of said village, and not repugnant to the constitution or laws of this state or of the United States.

SEC. 56. The by-laws, rules and ordinances of said village shall be recorded in the office of the clerk of said village, and the clerk's certificate that such by-laws, rules and ordinances were adopted at an annual meeting of said village, or at a special meeting thereof, called for that purpose, shall be *prima facie* evidence of such fact in any court in this state; and certified copies of said by-laws, rules, ordinances and clerk's certificates shall also be received as evidence in all the courts in this state.

SEC. 57. Said village may impose a fine not exceeding one hundred dollars for the breach of any by-law, rule or ordinance. The court shall impose the costs of prosecution in addition to the fine in case of conviction, and when it may be necessary to abate a nuisance, the expense of the abatement may be imposed on the delinquent in addition to such fine and costs; and if any person violates any ordinance or by-law of said village he may, on conviction thereof, be imprisoned in the common jail in Rutland county not exceeding sixty days in addition to or in lieu of said fine and costs in the discretion of said court.

SEC. 58. If the delinquent neglects to pay any fine and costs legally imposed upon him he shall be committed to such jail until such sentence is complied with or he is otherwise legally discharged from such imprisonment.

#### MUNICIPAL COURT. JUDGE. CLERK.

SEC. 59. There shall be a municipal court in and for the village of Rutland. Said court shall be a court of record and shall have a seal. Said court shall be open at all times.

SEC. 60. The municipal judge elected by the village shall be the judge of such court. Said judge shall appoint and remove at pleasure a clerk of such court. The clerk of the court shall be the recording officer thereof and shall furnish to any person on demand and tender of the legal fees, certified copies of any of the records, proceedings or minutes of such court under the seal thereof.

SEC. 61. Whenever the judge shall be unable to attend at the time appointed for the trial of any cause, the clerk of the court shall continue the same for a period not exceeding three weeks; and the death, resignation, removal from the town, permanent inability to serve, or expiration of the term of office on the part of the judge, shall not cause a discontinuance or transfer to another jurisdiction of any cause pending in said municipal court, but the same shall continue pending in said court, and be tried and disposed of by his successor in office.

#### JURISDICTION. GENERAL POWERS.

SEC. 62. Said court shall have jurisdiction of all actions of a civil nature if either of the parties reside in the town of Rutland



at the time of the commencement of the action, or if neither of the parties reside in the state at such time (except replevin for goods and chattels when the value thereof exceeds one hundred dollars, and actions where the title of land is concerned), when the debt or other matter in demand does not exceed five hundred dollars; and of actions of trespass on the freehold when the sum in demand does not exceed fifty dollars; but nothing herein contained shall affect the original jurisdiction of the county court as now provided by law; provided that the provisions of section nine hundred and five of the Revised Laws as to where writs in certain cases shall be made returnable shall apply to said municipal court.

SEC. 63. The municipal court shall have exclusive original jurisdiction of all complaints and prosecutions for violations of village ordinances and by-laws. Said court may also try and determine all prosecutions for such criminal offenses committed within the county of Rutland as are not punishable by death or imprisonment in the state prison, except offenses within the jurisdiction of a justice of the peace to try and determine, which are committed without said town, by a person residing without said town.

SEC. 64. The municipal court is empowered to cause to be apprehended and committed to prison, or bound over with sufficient sureties for trial by the county court, all persons charged with crimes committed in the county of Rutland exceeding its jurisdiction to try.

SEC. 65. Said municipal court shall have all the powers granted by law to justices of the peace in the county of Rutland, and the judge of said court shall be authorized to perform the duties required by law to be performed by justices of the peace, and all existing provisions of law applicable to proceedings before justices of the peace, and the effect thereof shall apply to said municipal court, except that in trials by jury it shall be the duty of the judge to instruct the jury on questions of law; and with the further exception that writs of mesne and final process, returnable to said court, may be signed either by the judge or the clerk of said court, and that all affidavits under sections one thousand four hundred and seventy-eight and one thousand four hundred and eighty-five of the Revised Laws may be filed either with the judge or clerk of said court; provided that all hearings under section one thousand four hundred and seventy-nine of the Revised Laws shall be had before the judge.

SEC. 66. In prosecutions of nuisances, the municipal court shall have power, subject to such restrictions as may be prescribed by the village, in a summary manner to order such nuisance to be abated and removed, and to issue such warrants as shall be necessary to carry such orders into effect.



## POSECUTING OFFICERS.

SEC. 67. Criminal prosecutions before said court may be brought by the state's attorney of said county or by any grand juror of the town of Rutland.

## FILING INFORMATION AT RESPONDENT'S REQUEST.

SEC. 68. When any person is in actual confinement in the jail of Rutland county, by virtue of a complaint for any crime of misdemeanor alleged to have been committed in said county, the municipal court shall, upon the application of such person, order the state's attorney of the county to file an information against such person, and said court shall have the same powers, and perform the same duties, and under the same regulations, as are prescribed in sections one thousand six hundred and thirty-seven, one thousand six hundred and thirty-eight and one thousand six hundred and forty of the Revised Laws, for cases where such application is made to the supreme court of said county.

## PLEADINGS AND PRACTICE.

SEC. 69. The statutes of this state in reference to pleadings and practice in the several county courts shall, so far as applicable, be applied to and govern the proceedings of said municipal court.

## APPEALS. EXCEPTIONS.

SEC. 70. From the judgment of the municipal court in all civil cases, excepting as hereinafter provided, an appeal may be taken to the county court under the same regulations as are provided for appeals from the judgment of a justice of the peace in civil actions.

No appeal shall be allowed in either of the following cases:

*First*, When judgment was rendered by non-suit or default.

*Second*, In actions on notes and accounts stated, not exceeding forty dollars in amount; but an appeal shall be allowed a party in an action on note or account stated, when the *ad damnum* exceeds twenty dollars, who makes affidavit before the court setting forth that he has a good defense.

*Third*, In actions when neither the *ad damnum* in the plaintiff's writ, nor the amount claimed or balance due as shown by the specifications or exhibits of the plaintiff on trial, shall exceed the sum of twenty dollars, excepting actions for fine or penalty, actions of trespass on the freehold, actions in which the legality of the assessment or collection of any tax is concerned, and actions where the defendant pleads in offset any *bona fide* demand or demands exceeding the sum of twenty dollars, and actions where the defendant *bona fide* pleads the authority of any court, civil or military, in excuse or justification, or when the defendant shall *bona fide* plead in excuse or justification that he was acting as public officer, under, or by virtue of any tax bill, or military warrant, except that either party, in any action for the recovery of any subscription to the capital stock of any corporation, may appeal.

*Fourth*, In actions of replevin for property, the value whereof, as fixed by the appraisers, does not exceed ten dollars.

SEC. 71. In criminal cases before said court, there shall be the same right of appeal to the county court as is secured by law in criminal causes before a justice of the peace, and such appeal shall be taken in the same manner and under the same regulations as in criminal causes before a justice of the peace.

SEC. 72. In all prosecutions for offenses within the jurisdiction of the municipal court to try and determine, and in all civil cases before said court, exceptions to the decisions of said court upon the questions of law, may be taken to the supreme court in the same manner and under the same regulations as provided by law for exceptions from the county court to the supreme court in criminal and civil cases respectively; but no such exceptions shall be allowed when an appeal is taken to the county court.

#### PASSING CASES, ETC. NEW TRIALS.

SEC. 73. The statutes of this state in reference to passing causes to the supreme court from the county court shall, so far as applicable, be applied to the passing of causes from said municipal court to the supreme court.

SEC. 74. Section one thousand four hundred and twenty-eight of the Revised Laws, and the rules of law on the same subject, shall apply to judgments of said municipal court, the same as to judgments rendered by a justice of the peace.

#### SALARIES, FEES, FINES AND COSTS

SEC. 75. The judge of said municipal court shall receive a salary of three hundred dollars per annum, to be paid by the state, and, in addition, shall be entitled to the fees taxed for him as costs in the municipal court according to law, and shall also receive a fee of one dollar in naturalization cases, to be paid by the person naturalized.

SEC. 76. The judge shall fix the amount of compensation to be paid to the clerk of the municipal court, which sum shall be paid out of the salary of the municipal judge.

SEC. 77. In all cases, both civil and criminal, before the municipal court, the judge, jurymen and parties shall be entitled to receive double the costs allowed by law to justices of the peace, jurymen and parties, respectively, in suits or prosecutions before justices of the peace. The judge shall also be entitled to tax and receive the sum of one dollar for each bill of exceptions allowed and signed by him.

SEC. 78. The prosecuting officer in a criminal cause in said court shall be entitled to tax and receive, in addition to the fees now provided by law for town grand jurors, the sum of three dollars for every prosecution or complaint in said municipal court for a breach of any village ordinance; and in all other prosecutions



in said court for criminal offenses, excepting those under chapter one hundred and sixty-nine of the Revised Laws, respecting the traffic in intoxicating drinks, or any amendment thereof or additions thereto, the prosecuting officer shall be entitled to tax and receive the same fees provided by law for town grand jurors, and in addition thereto the sum of one dollar and fifty cents for each trial in which the respondent is convicted.

SEC. 79. All fines, penalties and forfeitures recovered in said court shall be paid to the judge of said court and by him into the village treasury, excepting in cases where, by law, express provision to the contrary is made. In criminal cases in said court the costs shall be audited and paid as is provided by law for costs in criminal cases before a justice of the peace.

#### GENERAL POWER TO TAX.

SEC. 80. The said village may at any annual meeting, or special meeting called for that purpose, as hereinbefore provided, lay a tax on the polls of the inhabitants of said village, and the ratable estate within the same, whether of residents or non-residents, for any of the purposes hereinbefore mentioned, and the trustees shall make out a rate bill accordingly, and deliver the same to the collector, who shall have the same power to collect such tax as the collector of town taxes, and may in like manner sell property to satisfy the same, and for want thereof, commit any person against whom he has such a tax to jail.

#### PAYMENT OF INDEBTEDNESS.

SEC. 81. Said village at an annual meeting, or at a special meeting called for that purpose, is hereby authorized and empowered to vote a tax to pay its present indebtedness, or to borrow money to pay said indebtedness, whichever said village may prefer; and should said village so vote to borrow money, it is hereby authorized and empowered to issue its bonds or notes therefor; and said bonds or notes shall be signed by the trustees and countersigned by the treasurer, and shall bear interest at a rate not exceeding five per cent per annum from their date, and shall be made payable at such time or times as said village may direct.

#### DRAWING AND DISBURSEMENT OF PUBLIC MONEY.

SEC. 82. No money shall be expended by any person for or in behalf of said village, except the trustees and water commissioners, and no money shall be paid out of the village treasury except upon orders signed by the trustees or a majority of them, or upon orders signed by the three water commissioners. The trustees shall keep a full and true record and account of all orders drawn and expenditures made by them, and the water commissioners shall also keep a correct account of all village moneys received and disbursed by them, and all of said officers shall make report thereof at each annual meeting of said village, or such other time or times as said village shall direct. And said village may make all needful



by-laws, rules and regulations in reference thereto, and for the government of said officers.

#### GRANTING OF LICENSES.

SEC. 83. The trustees of said village shall have the same power of granting licenses and vacating the same within the limits of said village agreeably to the by-laws, rules and ordinances thereof, that the selectmen have by chapter one hundred and seventy-seven and chapter one hundred and eighty-six of the Revised Laws, and all moneys received for such licenses shall belong to the village treasury, and be paid into the same.

#### POUNDS.

SEC. 84. The trustees shall cause to be maintained in said village, at the expense of said village, a good and sufficient pound for the impounding of all beasts liable by law to be impounded; and said trustees shall appoint a pound-keeper for said village, who shall hold his office until removed by said trustees, a record of whose appointment shall be made in the records of said village by its clerk.

Said pound-keeper shall be entitled to double the fees, and subject to all the duties imposed upon pound-keepers of towns.

#### CITIZENSHIP NOT TO DISQUALIFY.

SEC. 85. A citizen of said village shall not, by reason of being such citizen, be disqualified to act as judge, justice of the peace, sheriff or constable in any cause or proceeding in which said village may be interested.

#### REPEALING CLAUSE, ETC.

SEC. 86. Sections two, three and four of number two hundred and three of the acts of 1878; section five of number one hundred and seventy-six of the acts of 1874; section four of number one hundred and ninety-one of the acts of 1876, section six of number forty-nine of 1874 and all other acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 87. This act shall be a public act, and may be altered, amended or repealed.

Approved November 24, 1882.

ACTS AND RESOLVES  
PASSED BY THE  
GENERAL ASSEMBLY  
—OF THE—  
STATE OF VERMONT,  
AT THE  
EIGHTH BIENNIAL SESSION, 1884.



PUBLISHED BY AUTHORITY.

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**Acts and Resolves 1884**

THE TUTTLE CO., OFFICIAL PRINTERS TO THE STATE OF VERMONT.  
1885.



NO. 81.—AN ACT PROHIBITING THE ADULTERATION  
OF MAPLE SUGAR, MAPLE SYRUP AND BEES' HONEY.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. Any person who shall adulterate maple sugar, maple syrup or bees' honey with any cane sugars, glucose, or with any substance whatever, for purpose of sale, or who knowingly sells maple sugar, maple syrup or bees' honey that has been adulterated shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars; one half of such fine, on conviction, shall go to the complainant.

SEC. 2. This act shall take effect from its passage.

Approved Nov. 25, 1884.

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NO. 82.—AN ACT ENTITLED AN ACT GIVING DEALERS  
IN MONUMENTS AND COPINGS CERTAIN POWERS.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. The vendor of monuments, headstones and copings, who sells or has sold the same by conditional sale and reserves or has reserved a valid lien thereon by memorandum in writing, duly recorded, as provided in section one thousand nine hundred and ninety-two of the Revised Laws, for the purchase money, such purchase money not having been paid according to the terms of such lien, and the vendee neglecting to pay the same within six months after the expiration of the time of such payment, may take possession of the same and remove them from any cemetery in the State, unless such lien has been discharged by payment; provided that all sums of money paid toward the purchase of the same and not in full payment, shall be refunded to the vendee after deducting therefrom all reasonable damages. The provisions of this act shall not apply to any sale of monuments, headstones or copings of a less cost than one hundred dollars.

SEC. 2. This act shall take effect from its passage.

Approved Nov. 14, 1884.



tending physician if the deceased died in another State or country, which certificate shall accompany such dead body along the route of such transportation, certifying that the person whose body is so delivered for transportation did not die of small pox, diphtheria or scarlatina. But such certificate shall not be required if the dead body is enclosed in a metallic casket hermetically sealed.

SEC. 2. A person or corporation that transports the dead body of a person without having first demanded and received the certificate required by the provisions of this act shall be fined not more than three hundred dollars nor less than fifty dollars; and a person or corporation delivering such dead body for transportation, unless the same is accompanied by the certificate required by the provisions of this act, shall be fined not more than two hundred dollars nor less than fifty dollars.

SEC. 3. This act shall take effect from its passage.

Approved Nov. 26, 1884.

## NO. 85.—AN ACT FOR THE ADVANCEMENT OF ANATOMICAL SCIENCE AND TO PREVENT THE DISTURBING OF THE REMAINS OF THE DEAD.

### SECTION.

1. Overseer of poor and superintendent of any public institution shall, when requested by practicing physician, deliver body of any person, who shall die in town, city or public institution and required to be buried at public expense, to physician making request, for anatomical purposes, with *proviso*.
2. Not lawful to remove body out of

### SECTION.

- State, or use same, except for purposes of anatomical science. After use, remains to be buried. Penalty for violating provisions of this section.
4. Penalty for digging up or removing body or remains without authority.
5. When to take effect. Acts inconsistent repealed.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. The overseer of the poor of any town or city, and the superintendent of any public institution in this State, shall, when requested in writing by any practicing physician, resident of this State, deliver the body of any person who may die within such town, city or public institution and required to be buried at the public expense, to such resident physician so making request, to be by him used for the advancement of anatomical science. Provided, however, that no body shall in any case be so delivered, if the deceased person, during his last sickness, requested to be buried, or if any person claiming to be of kindred to the deceased and satisfying the said overseer of the poor or superintendent thereof, and shall, within forty-eight hours after said person shall have deceased, require said body to be buried; nor if such deceased person was a

stranger or traveler who may have died suddenly, and before making himself known, nor if such deceased person ever served in the army or navy of the United States.

SEC. 2. It shall not be lawful for any person so receiving a dead body to remove it out of this State, or to use the same except for the prosecution of anatomical science; and after having been so used, the remains thereof shall be decently buried under the direction of such overseer of the poor or superintendent, at the expense of such physician, unless the relatives of such deceased person shall require the same for burial, when said remains shall be delivered to said relatives for interment. Any person violating the provisions of this section shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. Every person not being authorized by a majority of the selectmen, common council and justices of the peace of any town or city, who shall wilfully dig up, disinter, remove or carry away any human body, or the remains thereof, interred within this State, or shall knowingly aid in such disinterment, removal or conveying away, and every person accessory thereto, either before or after the fact, shall be punished by imprisonment in the State prison not more than fifteen years nor less than five years, or by fine not exceeding two thousand dollars, nor less than one thousand dollars, or both of said punishments in the discretion of the court.

SEC. 5. This act shall take effect from its passage, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Approved November 25, 1884.

No. 86.—AN ACT IN ADDITION TO SECTION THREE THOUSAND SEVEN HUNDRED AND EIGHT OF THE REVISED LAWS, RELATING TO WEIGHT OF CERTAIN GRAIN AND VEGETABLES.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. A bushel of India wheat shall be forty-six pounds.

SEC. 2. This act shall take effect from its passage.



costs and expenses incurred by such breach of condition the property shall be sold as posted.

SEC. 6. The proceeds of such sale shall be applied to the payment of the lien and the costs and expenses of keeping the property, and sale, and the balance, if any, shall be paid to the vendee or the person holding under him, on demand.

SEC. 7. The officer selling the property shall make return of his doings in the same manner as required in sale of property upon a mortgage of personal property, and his return shall have a like effect, and he shall receive the same fees.

Approved November 26, 1884.

## No. 94.—AN ACT TO DIMINISH THE FREQUENCY OF DIVORCES.

### SECTION.

1. Libels for divorce entered in court to be continued to succeeding term.
2. At such term, not to be heard unless libellee present, except when proven that libellant has attempted to procure attendance of libellee and failed to do

### SECTION.

- so. The court may proceed or continue cause if libellee's attendance can be secured later, or may require his deposition. Capias may issue against libellee.
3. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. Libels for divorce, entered at any term of the county court, shall be continued as of course to the succeeding term.

SEC. 2. At the term succeeding the term at which the cause is entered, or at any subsequent term to which the cause may be continued, the same shall not be heard unless the libellee is present, except in cases when it is proven to the court that the libellant has, in good faith, attempted to procure the attendance of the libellee and been unable to do so. And in such cases the court may, in its discretion, try the cause without the attendance of the libellee, or continue the same, if, in its opinion, the attendance of the libellee will be secured at a future time, or it may require the deposition of the libellee. Upon the order of the court a writ of capias may issue to compel the attendance of the libellee.

SEC. 3. This act shall not affect pending petitions.

Approved Nov. 26, 1884.



No. 95.—AN ACT IN AMENDMENT OF SECTION FOUR THOUSAND TWO HUNDRED AND FIFTY-ONE OF THE REVISED LAWS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Section four thousand two hundred and fifty-one of the Revised Laws is hereby amended so as to read as follows: A person who keeps a house of ill fame, resorted to for the purpose of prostitution or lewdness, whether the same be occupied or frequented by one or more females, shall be imprisoned not more than four years, or fined not more than three hundred dollars."

Approved Nov. 25, 1884.

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No. 96.—AN ACT IN ADDITION TO CHAPTER ONE HUNDRED AND TWENTY-FOUR OF REVISED LAWS, RELATING TO BASTARDY PROCEEDINGS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. If any execution issued under the provisions of section two thousand four hundred and seven of the Revised Laws shall be returned unsatisfied because no property of the father or his sureties can be found whereon to levy the same, the clerk of the court from which such execution issued, may, upon request of the mother, issue a warrant to commit the father to jail, and the father may, upon such warrant, be committed to the jail in the county where the judgment was rendered unless he shall pay the sum due upon such execution with the costs thereon and the costs on such warrant, and such other sums as are then due and payable by the terms of the orders of the court in the premises, and also enters into a new recognizance, with sufficient sureties, before one of the judges of the county court, conditioned that he will abide and perform the orders of the court before made in the premises.

SEC. 2. If the father shall be committed to jail under the provisions of this act, he shall there remain until he pays the sums named in the first section of this act, with the costs of commitment, and enters into the recognizance aforesaid, or until he is discharged by the mother or by law. The recognizance so taken shall be returned by the judge to the county court, and the mother shall be entitled to the same remedies thereon that are provided in section two thousand four hundred and seven of Revised Laws.

SEC. 3. This act shall take effect from its passage.

Approved Nov. 25, 1884.

# CORPORATIONS.

## No. 180.—AN ACT TO INCORPORATE THE TRUSTEES OF THE SOLDIERS' HOME IN VERMONT.

### SECTION.

1. Corporation; name; powers of trustees; number of trustees; vacancies in board.

### SECTION.

2. Powers, duties and privileges of trustees.

3. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Redfield Proctor, Frederick Billings, C. C. Kinsman, A. B. Franklin, Hugh Henry, P. P. Pitkin, J. C. Stearns, Franklin Fairbanks, Josiah Grout, George T. Childs, H. K. Ide, William Wells, Julius J. Estey, A. B. Valentine, Warren Gibbs, Z. M. Mansur, Frank Kenfield, A. S. Tracy, their associates and successors, chosen as hereinafter provided, are hereby made a corporation by the name of "The Trustees of the Soldiers' Home in Vermont," and said trustees shall, from time to time, as they may by their by-laws prescribed, elect such officers as they may judge necessary, and prescribe the terms and duties of such officers, and they shall fill by election all vacancies in said board of trustees, as they may occur; but the whole number of said trustees shall never exceed eighteen, fifteen of whom shall be members of the voluntary association known as the Department of Vermont Grand Army of the Republic, and whenever any vacancy shall occur among said fifteen, the remaining trustees shall select from the Department of Vermont, Grand Army of the Republic, a trustee to fill such vacancy.

SEC. 2. Said trustees may receive, hold, manage and convey such real and personal estate, not exceeding in all two hundred thousand dollars in value, as they may acquire by gift, grant, purchase or otherwise, for the purpose of maintaining in this State a home for deserving soldiers and sailors, and such members of their families as said trustees may deem proper, and under such conditions and regulations as said trustees may, from time to time prescribe. Said trustees shall be subject to the duties and liabilities, and shall have the powers and privileges set forth in all general laws which now are or hereafter may be in force applicable to such corporations, so far as they are not inconsistent with this act.

SEC. 3. This act shall take effect from its passage.

Approved Nov. 24, 1884.



## No. 182.—AN ACT TO INCORPORATE THE VERMONT HUMANE SOCIETY.

## SECTION.

1. Corporators; name; purpose.
2. Powers.
3. First and other meetings.

## SECTION.

4. Officers liable for corporate debts.
5. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. Henry D. Holton, Oscar E. Butterfield, Erwin A. Hassetline, Henry B. Williams, their associates and successors are hereby incorporated by the name of the Vermont Humane Society, for the purpose of providing means for the prevention of cruelty to animals and the enforcement of the laws on that subject, and for other kindred purposes. The corporators may elect their own associates and successors and determine the number of members of the corporation.

SEC. 2. The corporation may, by its corporate name, sue and be sued; may adopt a corporate seal and alter the same at pleasure; may elect, in such manner as it may determine, necessary officers and define their duties; may establish by-laws for the government of its affairs, and may alter or repeal the same; and may acquire, hold and dispose of real and personal estate necessary for the purposes of the corporation.

SEC. 3. The corporation may hold its first meeting at such time and place as may be agreed upon by the corporators, and may thereafter hold meetings as the corporation may appoint.

SEC. 4. The officers of the corporation shall be personally liable for debts contracted by the corporation.

SEC. 5. This act shall take effect from its passage.

Approved November 25, 1884.

## No. 183.—AN ACT TO INCORPORATE SAINT PETER'S HIBERNIAN BENEVOLENT UNION.

## SECTION.

1. Corporation; name; purpose; rights and privileges.
2. Officers; by-laws and regulations.
3. First meeting; where held; notice thereof; powers at meetings.

## SECTION.

4. Directors, liable for corporate debts.
5. Subject to future legislation and general laws.
6. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SEC. 1. John D. Hanrahan, John P. Crowley, Dennis Kingsley and their associates and successors, are hereby constituted a corporation by the name of St. Peter's Hibernian Benevolent Union, for the purpose of forming a religious, literary and benevolent association of young men; for raising and maintaining a sum



of money with which to aid sick, infirm and indigent members and their families, and doing any other business incidental thereto, which may be done by corporate companies under the laws of this State, and by that name may sue and be sued; may have a common seal and alter the same at pleasure; may acquire, hold and convey real and personal estate; may erect such building or buildings, as may be necessary and expedient in the promotion of the objects of this corporation, and shall have and enjoy all the privileges incident to corporations.

SEC. 2. Said corporation may elect officers and make such by-laws, rules and regulations for the management of its business as may be necessary, not inconsistent with the laws of this State.

SEC. 3. The first meeting of this corporation shall be holden at Rutland, in the county of Rutland, and State of Vermont, at such time as may be designated by John D. Haurahan and John P. Crowley, or the survivor of them. Due notice to be given to all members of said corporation, and at such meeting, and at all subsequent meetings of which the members have been duly notified, said corporation may make, alter or amend such by-laws, rules and regulations as it may deem necessary for its management and discipline; may prescribe rules for the admission of members, for the duties of officers, and may establish a rate of fees and assessments necessary to carry out the purposes of this corporation.

SEC. 4. The directors of St. Peter's Hibernian Benevolent Union, shall be liable for all debts contracted in its name.

SEC. 5. This act shall be subject to the control of all future legislatures, to alter, amend or repeal as the public good may require, and also to the provisions of chapter one hundred and fifty-two of the Revised Laws of Vermont.

SEC. 6. This act shall take effect from its passage.

Approved Nov. 21, 1884.

## No. 184.—AN ACT TO INCORPORATE THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF ST. JOHNSBURY.

### SECTION.

1. Corporators; name.
2. Purpose.
3. Board of directors; term of office; who shall constitute such board; qualification of directors; vacancies, how filled.
4. Constitution and by-laws. Section one of article two of constitution, as now existing, not to be repealed.
5. The Young Men's Christian Association of St. Johnsbury may accept this charter by vote; to file certified copy of such vote with secretary of state, if they so elect; dissolution of existing association, provided, no other

### SECTION.

- rights and obligations of present members under this act.
6. Powers of corporation, conveying and mortgaging real and personal estate; management of real property by a board of nine trustees, qualifications of trustees; present members of such board; vacancies, how filled; duties of such board in management of property and income; trustees to pay over income of property to directors; under what conditions.
7. Shall take effect; real estate to be exempt from taxation; for



SEC. 4. The first meeting of said company shall be holden at Montpelier, and shall be called by James R. Langdon, at such time and place as he shall appoint, within one year from the passage of this act, for the purpose of choosing a president, vice-president, secretary, treasurer, and a board or directors, as above specified; and notice of said meeting shall be given at least twelve days previous to the time fixed for the same, by inserting a notice thereof in the Vermont Watchman and State Journal, and in the Argus and Patriot, newspapers printed at Montpelier; and at said meeting, and all other meetings legally notified and held, said corporation may make, alter and amend all such by-laws, rules and regulations for the management of the business of said corporation as a majority of the stock present may direct.

SEC. 5. The sum of one thousand dollars shall be paid in before said company shall contract any debts, and the indebtedness of the company shall at no time exceed one half of the capital actually paid in; and if at any time the indebtedness of said company shall exceed that amount, the directors and stockholders shall be personally liable for such excess to the creditors of said company.

SEC. 6. This act shall be subject to the provisions of chapter one hundred and fifty-two of the revised laws of Vermont, and entitled to all the privileges provided in said chapter, as well as to all general laws regulating telegraph, and telephone and telegraph companies, which are now and may be hereafter passed; and also to such control of the legislature, at all times, as the public good may require,

SEC. 7. This act shall take effect from its passage.

Approved November 14, 1884.

## No. 203.—AN ACT TO INCORPORATE THE SAW DUST PULP AND PAPER COMPANY.

### SECTION.

1. Corporators; name; rights and privileges.
2. Purposes.
3. Powers of corporation.
4. Capital stock; increase of same;

### SECTION.

- to be deemed paid up and not liable to assessment.
5. Principal office; where located.
6. Subject to general laws
7. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Goldsbury H. Pond, Edmund A. Morse, Albert H. Tuttle, Frank T. Huntoon and Edmund R. Morse, their associates, successors and assigns are hereby constituted a body politic and corporate, by the name of the Sawdust Pulp and Paper Company, and by that name **Acts and Resolves 1884** have a common seal, and alter the same at pleasure, and shall have all the powers incident to corporations, subject to the laws of this State.

SEC. 2. The objects and purposes of said incorporated company are to manufacture pulp from sawdust, shavings, pieces of wood, or



any other fibrous material. To manufacture paper from said pulp and to manufacture any other articles which can or may be manufactured from pulp.

SEC. 3. Said company are hereby authorized to procure by purchase, lease or otherwise, any invention, letters patent, interest or rights therein, for the manufacture of pulp and paper, and to sell, lease or re-lease, grant permits and licenses to manufacture pulp, paper or any other articles covered by said invention or patents, and for the transaction of such other business as may be incidental thereto.

SEC. 4. The capital stock of said company shall be one million of dollars, divided into shares of one hundred dollars each, and be increased from time to time, to such an amount as may be agreed upon by a stock vote of three-quarters of the capital stock duly subscribed. All stock issued by said company shall be deemed and taken to be full paid stock, and shall not be liable to assessment.

SEC. 5. The principal office of said company shall be located at Rutland, in the county of Rutland.

SEC. 6. This act shall be subject to all the provisions of the general statutes of the State entitled "of private corporations."

SEC. 7. This act shall take effect from its passage.

Approved Nov. 22, 1884.

## NO. 204.—AN ACT TO INCORPORATE THE AMERICAN AND EUROPEAN CARTRIDGE COMPANY.

### SECTION.

1. Corporators; name; purpose; rights and liabilities.
2. Capital stock and transfer thereof.
3. Meetings; by-laws and regulations.
4. Directors; when, and how elected.

### SECTION.

5. Subject to future legislation.
6. Limitation of indebtedness; liability of directors.
7. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. E. M. Nelson, Rollin White, F. W. Chadbourne and C. H. Veo, and their associates and successors, are hereby constituted a body politic and corporate, by the name of the American and European Cartridge company, for the purpose of manufacturing and dealing in cartridges, and machinery for the manufacture of cartridges, and buying and selling any patents covering such machinery or any part thereof, and by that name may sue and be sued, may have a common seal, purchase and hold real estate and erect factories and buildings thereon, necessary for carrying on their business, or incident thereto, and may have and enjoy all the rights, privileges and powers incident to corporations.

SEC. 2. The capital stock of said corporation shall be one million dollars, divided into shares of one hundred dollars each, and



No. 206.—AN ACT IN AMENDMENT OF "AN ACT TO INCORPORATE THE BARNEY MARBLE COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Section two of "an act to incorporate the Barney Marble Company," approved Nov. 24, 1882, is hereby amended by erasing therefrom the words "and Edward A. Sowles, or the survivor of them."

SEC. 2. This act shall take effect from its passage.

Approved November 24, 1884.

No. 207.—AN ACT RELATING TO THE HOWE SCALE COMPANY.

SECTION.

1. Number one hundred and eighty-five of laws of 1878, amended; new stock; how made; preferred

SECTION.

- stock.  
2. Reduction of present common stock.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. No. one hundred and ninety-five of the laws of 1878, is hereby amended by adding to section five thereof, the following words, to wit: Such new stock may be made a preferred stock on such terms and conditions as the stockholders present at such meeting may vote.

SEC. 2. The present common stock of said company may be reduced to four hundred thousand dollars.

Approved Nov. 21, 1884.

No. 208.—AN ACT TO INCORPORATE THE GREEN MOUNTAIN LIVE-STOCK COMPANY.

SECTION.

1. Corporators; name; purpose; rights and privileges.
2. Capital stock; how increased.
3. First meeting; when held; notice thereof.

SECTION.

4. Limitation of indebtedness; liability of directors.
5. When to take effect; subject to future legislation and general laws.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. John W. **Acts and Resolves 1884** Dunton, Henry R. Harris, their associates and successors are hereby constituted a corporation, under the name of the Green Mountain Live Stock Company, for the purpose of buying and selling lands and owning and leasing ranches in any part of the United States.

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each, and the same may be increased from time to time as may be determined either by the directors or stockholders thereof, to an amount not exceeding five hundred thousand dollars.

SEC. 3. The first meeting of said corporation shall be held at such time and place as a majority of the corporators herein named may direct, notice thereof having been first given to all of said corporators by causing a written notice, or a true copy thereof, signed by a majority of said corporators, to be deposited in the post office, properly addressed for each subscriber of stock, at least six days before the time of such meeting.

SEC. 4. Said corporation shall not contract debts to an amount exceeding one half of the capital stock actually paid in, and if the indebtedness of said corporation shall at any time exceed said amount, the directors and stockholders assenting thereto shall be personally liable for such excess to the creditors of said corporation.

SEC. 5. This act shall take effect from its passage and shall be subject to the control of any future legislature, to alter, amend or repeal, as the public good may require, and shall be subject to all the provisions of chapters one hundred and fifty-two and one hundred and fifty-three of the Revised Laws and all additions or amendments thereof, so far as the same are applicable and not inconsistent with the special provisions of this act.

Approved November 25, 1884.

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NO. 211.—AN ACT IN AMENDMENT OF SECTION FIFTY-SEVEN OF "AN ACT TO CONSOLIDATE AND AMEND THE VARIOUS ACTS HERETOFORE PASSED CONCERNING THE VILLAGE OF RUTLAND," APPROVED NOVEMBER 24, 1882.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Section fifty-seven of "An act to consolidate and amend the various acts heretofore passed concerning the village of Rutland", approved November 24, 1882, is hereby amended so as to read as follows: Said village may impose a fine, penalty or forfeiture, not exceeding one hundred dollars, for breach of any by-law, rule or ordinance, which fine, penalty or forfeiture, adjudged, imposed or incurred may be recovered in an action on the case, in the name of said village, by the attorney appointed by the trustees of said village, in which action it shall be sufficient to declare, generally, that the defendant is guilty of a breach or violation of a particular by-law, rule or ordinance, and setting forth substantially the manner of breach or violation of such rule, by-law or ordinance, and under such declaration, the special matter may be given



in evidence, and the court shall impose costs of prosecution, in case of conviction; and when it shall be necessary to abate a nuisance, the expense of the abatement may be imposed on the delinquent in addition to such fine and costs. In all actions for breach of any by-law, rule or ordinance, mesne and final process may issue against the body of the defendant in due form of law, and the court before whom such action is tried may render thereon such judgments, and issue such certificates as in other actions of tort, with like force and effect.

SEC. 2. Section fifty-eight of said act is hereby repealed.

Approved November 26, 1884.

No. 212.—AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF MONTPELIER."

SECTION.

1. Section five of original act amended; officers, treasurer and collector to give bonds; terms of office.
2. Water commissioners; their duties.

SECTION.

3. Their powers; when land taken; remedy of person aggrieved.
4. Commissioners to prevent adulterating of water.
5. What instructions commissioners to follow.
6. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows:*

SEC. 1. Section five of an act to incorporate the village of Montpelier, approved November 14, 1855, is hereby amended so as to read as follows: The officers of said village shall consist of a clerk, five bailiffs, a treasurer, a collector of taxes, five fire wardens, and a board of water commissioners consisting of five members; all of whom shall be sworn to the faithful discharge of their duties; and the treasurer and collector of taxes shall, before they enter upon the duties of the respective offices, give bonds to said corporation in such sums and with such sureties as the majority of the bailiffs shall direct, conditioned for the faithful performance of the duties of their respective offices; and all the officers aforesaid, except said board of water commissioners, shall hold their offices one year and until others are appointed. The term of the office of the members of said board of water commissioners shall be five years, excepting the several members of the first board of water commissioners, whose terms of office shall be determined as follows: The **Acts and Resolves 1884** shall hold office five years; the commissioner next chosen shall hold his office for four years; the commissioner next chosen shall hold his office for three years; the commissioner next chosen shall hold his office for two years; the commissioner next chosen shall hold his office for one



SEC. 2. The present board of officers of said village corporation, elected at the annual meeting holden on the first Monday of December, A. D. 1883, shall continue to hold their respective offices, and full faith and credit shall be given to their acts as such officers, until the first Tuesday of May, A. D. 1885.

SEC. 3. This act shall take effect when accepted by a majority of the legal voters of said village present at a meeting thereof legally warned and holden for that purpose.

Approved October 23, 1884.

## No. 222.—AN ACT TO INCORPORATE THE VILLAGE OF PROCTOR.

### SECTION.

1. Boundaries; name; rights and liabilities.
2. Officers; check lists; powers of trustees; filling of vacancies.
3. Qualification of voters.
4. Annual meeting; how warned and held.
5. Special meetings.
6. Duties of president; veto power.
7. Duties of clerk.
8. Duties of treasurer and collector.
9. Powers and duties of trustees.
10. Powers and duties of police officers.
11. Duties of auditors.
12. Duties of fire wardens.
13. Powers and duties of prudential committee.
14. Internal police powers.
15. Records of by-laws and ordinances.
16. Breaches of by-laws; penalties.
17. Village limit constituted a school district; its powers respecting taxation, etc.
18. Village limit constituted a highway district; highway taxes; how paid or collected.
19. Power of trustees as to streets.
20. And sewers and drains.
21. Powers of trustees to make assessments for betterments.
22. Hearings thereon.
23. Petitions to the county court, of persons dissatisfied.

### SECTION.

24. County court commissioners; hearings by commissioners.
25. Their decision, when recorded, to be a lien on land assessed; mode of collecting assessment.
- 26 and 27. Powers as to water supply.
28. Records of property taken.
29. Liability for damages to land owners; dissatisfied land owners may petition county court.
- 30 and 31. Procedure upon such petition.
32. Penalties upon trespasses upon water-runs.
33. Grand List of village.
34. Division of public school moneys.
35. Treasurer shall keep accurate accounts.
36. Disbursements of village money.
37. Trustees to have powers of selectmen in certain cases.
38. Maintenance of pound.
39. Resident of village not disqualified in judicial proceedings concerning the same.
40. Method of taxation.
41. Fines; how prosecuted and recovered.
42. Act subject to alterations by legislature; to take effect upon acceptance by voters; proceedings therefor.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The inhabitants of those portions of the towns of Rutland and Pittsford embraced within the following described limits, namely: School district number twenty-one in Pittsford, school district number fourteen in Rutland, and the farm adjoining said district number fourteen, known as the German H. Chatterton farm, now owned by Nelson G. Piper, are hereby incorporated and made a body corporate and politic under the name of the village of Proctor, and by that name may sue and be sued, prosecute and



defend, in any court; may have a common seal and the same alter at pleasure; may take, hold, purchase and convey real and personal estate; and generally shall have, exercise and enjoy all such rights, immunities, powers and privileges as are incident to public corporations. Territory may be added to said village by vote of either of said towns of Rutland or Pittsford, and the consent of said village in the manner now provided by law for setting additional territory to a school district.

SEC. 2. The officers of said corporation shall consist of a president, clerk, three trustees, a treasurer, collector of taxes, three auditors, three fire wardens, and three prudential committee, not more than two of whom shall reside in the same town, to be elected as hereinafter provided, and who shall hold their offices until their successors are chosen. The trustees shall, previous to an annual village meeting, prepare an alphabetical list of the persons qualified to vote at such annual meeting, in the same manner, and subject to the same provisions in respect to corrections and use in all respects, as are enacted by chapter six of the Revised Laws concerning a check list of voters for use in freemen's meetings; the trustees having the same powers and duties in respect thereto as are by said chapter conferred upon the selectmen and the board of civil authority of towns. When a vacancy occurs in any of the offices of said village, required to be filled by election, by reason of non-acceptance, death, removal, insanity, refusal to act, or from any other cause, the village may fill the vacancy by a new election for the unexpired term, at any legal meeting. The trustees may, by temporary appointment, fill any vacancy which may occur in any of the offices of said village, including the offices of president of the village and trustee, and the persons so appointed by said trustees shall hold their offices until the village shall elect others in their stead as above provided; and such appointments shall be recorded in the office of the clerk of the village.

SEC. 3. Every person who resides within the limits of said village, and is a legal voter in town meeting, in either of the towns of Rutland or Pittsford, shall be entitled to vote in any village meeting.

SEC. 4. The annual meeting of said village shall be holden on the last Tuesday in March, in each year, at such hour and place as the trustees of said village shall appoint, for the purpose of electing a president, clerk, treasurer, collector of taxes, three auditors, three fire wardens, to serve for the term of one year, one trustee and one prudential committee to serve for the period of three years and for the transaction of any business specified in the warning of such meeting, which warning shall be signed by the clerk, and shall specify the time and place of holding said meeting, and such other business, beside the choice of officers, as the trustees may direct; which notice or warning shall be posted up in one or more of the most public places in said village, in each of the towns of Rutland and Pittsford, at least seven and not more than twelve days before the time appointed for such meeting. The election of said officers may be by *viva voce* vote, by unanimous



consent; but unless unanimous consent is given, the election shall be by ballot.

SEC. 5. If the annual meeting of said corporation shall fail to be holden, for want of the notice hereinbefore provided for, or for any other cause, the corporation shall not thereby be prejudiced; and the said several officers may at any time thereafter be elected at a special meeting called for that purpose, as hereinbefore provided for calling annual meetings; but the term of office of any officers so elected at any special meeting shall expire at the same time as if they had been regularly chosen at the annual meeting; and special meetings may be called at any time to fill vacancies which may exist in any of the said several offices by death, resignation, or otherwise.

SEC. 6. It shall be the duty of the president to preside at all meetings of said village, and he shall have the same power as the moderator of town meetings. If the president is absent a president *pro tem.* may be elected by the village. By virtue of his office the president shall be a member of the board of trustees, with veto power only, and president thereof. If the president approves of any vote or resolution of the board of trustees he shall sign the same and the same shall be filed in the office of the clerk of the village; but if he does not approve the same, he shall file his objections thereto in the office of the clerk of said village within two weeks from the passage of said vote or resolution, and in that case the board of trustees at their next regular meeting shall reconsider such vote or resolution, and unless the whole number of said board of trustees vote in favor of the same it shall not take effect. If the president does not file objections to any vote or resolution of said trustees within two weeks after its passage, the same shall take effect without his approval.

SEC. 7. It shall be the duty of the clerk to keep fair and accurate records of all the proceedings of said corporation, and he shall give copies of the same when demanded and shall have power to certify to the same, for which copies he shall receive the same fees as town clerks for similar services; he shall also make out such tax bills as may from time to time be deemed necessary by the trustees, for which he shall have reasonable compensation or such sum as may be agreed upon between him and the trustees. It shall also be his duty to warn special meetings agreeably to the directions of the trustees or a majority of them, or upon petition of ten or more legal voters of said village; and shall also duly warn all annual meetings; special meetings of said corporation shall be warned in the same way and upon the same time hereinbefore provided for calling annual meetings, and the warning thereof shall contain a statement of the business to be transacted. Any meeting of said corporation may be adjourned from time to time, and any business may be transacted at such adjourned meeting which might have been transacted at the original meeting, but no other. The clerk shall also perform all the duties of school district clerks, so far as the same shall be necessary and appropriate.



SEC. 8. The treasurer and collector shall perform the same duties for said corporation as by law required of a town treasurer and collector of town taxes, respectively, and shall have the same powers, proceed in the same manner, be subject to the same liabilities, and shall give bonds to said corporation, conditioned for the faithful performance of their respective duties, with such sureties and in such sum as the trustees, or a majority of them, shall direct. And a failure or neglect on the part of either of said officers for more than ten days after request in writing by the trustees, to furnish satisfactory bonds, shall create a vacancy in such office.

SEC. 9. The trustees shall have the general care of the affairs of said village, excepting such as pertain to the maintaining of public schools; shall assess all taxes required by law or by vote of said village, and shall direct the expenditure of all moneys belonging to said village, excepting such moneys as shall be received, appropriated or voted for maintaining of public schools; and shall draw orders upon the treasurer for all the moneys disbursed by them, and generally shall perform all duties legally enjoined upon them by said corporation.

SEC. 10. The trustees shall have power to appoint police officers, not exceeding five in number, by an instrument in writing under their hands, who shall be qualified by taking an oath that they will faithfully perform their respective duties as such police officers, which instrument of appointment and oath shall be recorded by and in the office of the clerk of said village; but such appointment may be revoked by a majority of said trustees, in their discretion, which revocation shall also be in writing and be recorded by said clerk. Such police officers shall, by virtue of said appointment, be informing officers, constables and conservators of the peace within said village, may serve any criminal process returnable within said village, and upon view of any violation of this act, the provisions thereof, or of any by-law of said corporation within the limits of said village, may arrest the offender forthwith and without warrant for that purpose, and carry such offender before any justice of the peace to answer complaint therefor, and may make complaint on oath in the name of said corporation against such offender, and upon the trial of such complaint shall be a competent witness; provided, that if any such police officer shall so arrest any such offender, he may commit him to the village lock-up or otherwise detain him in safe custody, not exceeding twenty-four hours, at the expiration of which time he shall be discharged unless previously take before some justice of the peace to answer to the offense for which he was arrested; provided further, however, that if such arrest shall be made between sunset of Saturday and sunrise of the following morning, the offender may be retained in safe custody until the next following Monday morning; and for such arrest and the services connected therewith, such police office shall receive the same fees as sheriffs or constables are entitled to for the same or similar services.

SEC. 11. The auditors shall audit all the accounts of the trustees, treasurer, and prudential committee, and no account shall



be allowed by such auditors without the production of proper vouchers therefor.

SEC. 12 The fire wardens shall have power, in times of fire, to suppress all tumults and riots, by force, if necessary ; to direct the labor of all persons present during the continuance of such fires ; to remove goods and effects endangered by such fires and protect the same from waste or depredation ; to pull down or remove any house, store or other building, when they may deem it necessary to prevent the spreading of such fires, for which neither they nor their assistants shall be made liable, and to require of the inhabitants of said village their aid and assistance for the several purposes aforesaid ; and said fire wardens may inspect the manner of manufacturing and keeping gunpowder, lime, ashes, matches, lights, fireworks of all kinds and other combustibles, and the construction and repairs of fire-places, stoves, flues and chimneys in said village. A majority of said fire wardens may, if they deem the same dangerous, order the persons manufacturing and keeping such gunpowder, lime, ashes, matches, lights, fireworks or combustibles, in what manner to manufacture and keep the same ; and the owners of such fire places, stoves, flues or chimneys, how to repair the same ; and a person who does not obey such order shall be fined not more than twenty dollars.

SEC. 13.—The prudential committee shall have the general care and management of public schools within said village, and shall direct the expenditure of all moneys of said corporation which are received, appropriated or voted for maintaining public schools within said village, and generally shall possess the same powers and perform the same duties as prudential committees of school districts.

SEC. 14. Said village shall have power to make, establish, alter, amend or repeal ordinances, regulations and by-laws for the following purposes:

*First*, To establish and regulate a market.

*Second*, To suppress and restrain disorderly and gaming houses, billiard tables, and all descriptions of gaming, and for the destruction of all instruments and devices used for that purpose.

*Third*, To regulate the exhibition of common showmen, and of shows of every kind not interdicted by law.

*Fourth*, To abate and remove all public and private nuisances.

*Fifth*, To compel the owner or occupant of any unwholesome, noisome or offensive house or place, to remove or cleanse the same, from time to time, as may be necessary for the health and comfort of the inhabitants of said village.

*Sixth*, To direct the location and management of all slaughter houses, meat markets, steam mills, blacksmith shops and sewers.

*Seventh*, To regulate the manufacturing and keeping of gunpowder, ashes and all other combustible and dangerous materials.

*Eighth*, To regulate the making of alterations and repairs of stove pipes, furnaces, fire-places and other things from which damage by fire may be apprehended, and also to regulate the use



of buildings in crowded localities for hazardous purposes; to provide for the preservation of buildings from fires, by precautionary measures and inspection, and to establish and regulate a fire department and fire companies.

*Ninth.* To prevent immoderate riding or driving in the streets, and cruelty to animals.

*Tenth.* To regulate the erection of buildings, and to regulate entrances and exits to public halls and theaters, and to direct the closing of public halls and theaters until proper exits are provided, to prevent the encumbering of the streets, sidewalks and public alleys with fire-wood, lumber, carriages, boxes and other things, and provide for the care, preservation and improvement of public grounds.

*Eleventh.* To restrain or regulate the running at large of cattle, horses, swine, sheep and other domestic animals, and establish and maintain a pound for impounding the same, subject to the provisions of chapter one hundred and seventy-nine of the Revised Laws as to notices, fines, penalties and fees, which fines, penalties and fees may be doubled.

*Twelfth.* To provide a supply of water for the protection of the village against fire, and for other purposes, and to regulate the use of the same.

*Thirteenth.* To compel all persons to remove from the sidewalks and gutters adjacent to the premises owned or occupied by them, all snow, ice, dirt and garbage, and to keep such sidewalks and gutters clean.

*Fourteenth.* To license inn-keepers, keepers of saloons or victualing houses, and auctioneers, under such regulations and for such sums of money as shall be prescribed therefor.

*Fifteenth.* To regulate or restrain the use of rockets, squibs, fire-crackers or other fire works in the streets or commons, and to prevent the practicing therein of any amusements having a tendency to injure or annoy persons passing thereon, or to endanger the security of property.

*Sixteenth.* To regulate gauging; the place and manner of selling and weighing hay; packing, inspecting and branding beef, pork and produce, and selling and measuring wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

*Seventeenth.* To regulate porters, truckmen, cartmen and cartage; also hackney coaches, cabs and carriages, and their drivers.

*Eighteenth.* To prescribe the powers and duties of watchmen of said village.

*Nineteenth.* To regulate the grade of streets, and the grade and width of sidewalks, and the construction thereof, and protect the same.

*Twentieth.* To provide for lighting the village.

*Twenty-first.* To prohibit and punish wilful injury to trees planted for shade, ornament, convenience or use, public or private, and to prevent and punish trespasses, or wilful injuries to or upon public buildings, squares, commons, cemeteries or other property.

*Twenty-Second.* To restrain and punish vagrants, mendicants and common prostitutes, and to suppress houses of ill fame.



*Twenty-third*, To establish and maintain a public library and reading room.

*Twenty-fourth*, To regulate the burial of the dead.

And said village may make, establish, alter, amend or repeal, any other by-laws, rules and ordinances which it may deem necessary for the well being of said village, and not repugnant to the constitution or laws of this State or of the United States.

SEC. 15. The by-laws, rules and ordinances of said village shall be recorded in the office of the clerk of said village, and the clerk's certificate that such by-laws, rules and ordinances were adopted at an annual meeting of said village, or at a special meeting thereof, called for that purpose, shall be *prima facie* evidence of such fact in any court in this State; and certified copies of said by-laws, rules, ordinances and clerk's certificates shall also be received as evidence in all the courts in this State.

SEC. 16. Said village may impose a fine not exceeding one hundred dollars for the breach of any by-law, rule or ordinance. The court shall impose the costs of prosecution in addition to the fine, in case of conviction, and when it may be necessary to abate a nuisance, the expense of the abatement may be imposed on the delinquent in addition to such fine and costs. If the delinquent neglects to pay any fine and costs legally imposed upon him he shall be committed to the common jail in Rutland county until such sentence is complied with or he is otherwise legally discharged from such imprisonment.

SEC. 17. The territory embraced within the limits of said village is hereby constituted a school district with all the powers conferred by law upon school districts, and said corporation shall maintain public schools in said village and may establish graded or high schools, the management of which shall be exclusively controlled by the prudential committee, and a tax upon the grand list of said village for the purpose of maintaining schools shall be voted by said village whenever the same may be required. All the corporate property of school district number fourteen in Rutland, and number twenty-one in Pittsford, said districts being within the limits of said village, shall pass to and become the corporate property of said village. The prudential committee who shall be in office in said village when the grand list for the year 1885 is completed in May next, shall, immediately thereafter, assess a tax upon said grand list for District No. 21 in Pittsford, sufficient to raise the sum of five hundred dollars, to pay the debt now owed by said district No. 21 for its present school house, for the purpose of equalizing the liabilities of the two districts, and the collector of said village shall proceed in the same manner to collect and pay over said tax to the treasurer of said village, and shall be liable for the money collected and may be proceeded against for not collecting said tax in the same manner as provided by law against collectors of town taxes, and in the warrant for the collection of said tax it shall specify the time when the same shall be collected and paid into the treasury of the district created by



this act. All other debts or liabilities of either and both districts become the debts and liabilities of said village.

SEC. 18. The territory embraced within the limits of said village in the town of Rutland shall constitute a highway district of the town of Rutland, and the territory embraced within the limits of said village in the town of Pittsford, shall constitute a highway district of the town of Pittsford, and the highway taxes shall be assessed upon the polls and ratable estate of said village, by the trustees of said village and shall be paid in money to the treasurer of said village, at the rate required by law to be paid when a town votes to have the highway tax paid in money. The highway money so collected shall be paid, worked out and expended on the highways in said village under the direction and control of the trustees; and said village may vote such further sum as may be deemed expedient to be used and expended by the trustees in building, constructing, maintaining and repairing the streets, highways, walks, alleys, sewers and lanes of said village, and no surveyors of said highway districts shall be required or chosen by said towns.

SEC. 19. The trustees of said village may lay out, alter, maintain and discontinue any street, road, lane, alley or walk in said village, and appraise and settle the damages thereof, causing their proceedings to be recorded in the office of the clerk of the town of Rutland, if such damages relate to property situated within the town of Rutland, but if such damages relate to property situated in the town of Pittsford then such proceedings shall be recorded in the office of the clerk of the town of Pittsford; provided that any person or persons aggrieved by their appraisal shall have the like opportunity for applying to the county court for the county of Rutland to obtain redress, as is or may be allowed by law to those aggrieved with the proceedings of selectmen in similar cases.

SEC. 20. When authorized by the vote of said village at any legal meeting duly warned, the said trustees, or a majority of them, may construct sewers and drains within the limit of said village, and for that purpose may enter upon the lands of any land owners in said village, and lay, make and maintain a sewer or drain through such land, and repair the same when necessary, upon payment or tender of payment of such compensation as damages therefor as the said trustees shall award to such land owner or to any tenant or occupant of such land. Payment or tender of payment of damages in such case may be made to such land owner or occupant of the land through which such sewer or drain is to be laid, or to the agent or attorney or any such person entitled to compensation.

SEC. 21. Said trustees in making, altering or repairing side-walks, culverts, sewers and drains shall have power, subject to the ordinances and by-laws of said village, on twelve days' notice to the parties interested, of the time and place of hearing, to assess the owner or owners of land or lands benefited thereby, so much of the expense of making, altering or repairing the same as said trustees shall judge such lands to be benefited thereby.



SEC. 22. When said trustees enter upon lands under the authority and for the purpose above named, they shall give twelve days' notice to all persons owning or interested in such lands when they will hear and consider the question of damages, or assessments for benefits, or both. And in all cases when either assessments are made or damages are allowed the said trustees shall forthwith make a report of their doings, which report they shall cause to be filed in the office of the village, who shall record the same in the records of said village.

SEC. 23. When any person shall be dissatisfied with the decision of said trustees in the award of damages for laying, making, altering or repairing any sewer, drain, sidewalk or culvert, or in any assessment for benefits of the same, such person may petition the Rutland county court for a re-assessment of such damages or benefits. Said petition shall be served on the clerk of said village within sixty days next after said award of damages or assessment for benefit shall be filed in said clerk's office, and at least twelve days before the session of the court to which it shall be addressed, and such petition shall not delay the making or repairing of such sewer or drain or sidewalk or culvert.

SEC. 24. The county court shall, when petitioned under the provisions of the preceding section, appoint commissioners as in case of an application for laying out a highway. Such commissioners shall notify the petitioners and one or more of the trustees of the time and place of hearing and shall examine the premises and circumstances of the case and make a new appraisal, and the court, on their report, may set aside the former assessment of the damages and render judgment for such sum as appears just; and if the sum is greater than the sum before allowed, the court may tax costs for the petitioner; otherwise the village shall receive its costs. But if no proceedings for re-assessment are instituted within the time therein limited, then the award of damages or assessment for benefit shall be established as valid, and shall be collectible.

SEC. 25. The amount of such assessment or assessments as fixed by the final decision, either of the county court or the said trustees shall, when the record thereof is duly recorded in the said village clerk's office, be a lien upon the land or lands so assessed, and if the owner or owners of such land or lands shall neglect for the space of six months after the final decision of said trustees or of the county court to pay to the treasurer of said village the amount of such assessment or assessments, the trustees shall make out a rate bill of the same, giving therein a general description of the lands so assessed, and shall seasonably deliver such rate bill to the collector of taxes for said village with a warrant thereto attached, signed by a justice of the peace in and for the county of Rutland, for the collection of said assessment or assessments, which warrant shall be in the same form **Acts and Resolves 1884** the same manner now prescribed by law for the collection of town and other taxes. And the collector shall receive like fees as in the collection of taxes. It shall be the duty of the clerk of said village in all the foregoing cases when an encumbrance is created upon land by proceedings of



the said trustees or county court, forthwith to cause a duly certified transcript of the record thereof to be filed in the town clerk's office of the town in which said land is situated, and there recorded.

SEC. 26. The said village, in its corporate capacity, is hereby authorized and empowered to provide a supply of pure water for public and private uses in said village; and for that purpose it may take and hold, by purchase or otherwise, such ponds, springs, streams, water sources, and the waters thereof, within the limits of said towns of Rutland and Pittsford, and such lands under and around the same as may be necessary for the purposes aforesaid.

SEC. 27. The said village, for the purpose of using the water taken as aforesaid, may take and construct dams and reservoirs, lay pipes and aqueducts, and connect the same with the pipes and reservoirs now laid or which may hereafter be laid or constructed by said village, to convey the water taken as aforesaid to the reservoirs of said village, and may take, by purchase or otherwise, any lands which may be necessary therefor, in said towns of Rutland and Pittsford.

SEC. 28. Said village shall, within sixty days after taking any springs, streams, water sources or lands under the provisions of this act, file in the office of the town clerk of the town where such lands, springs, ponds, streams or water sources are taken, a description of the same, sufficiently accurate for identification at all times.

SEC. 29. The said village shall be liable to pay all damages that shall be sustained by any person in their property, by the taking of any lands, springs of water, water sources, streams or ponds, by the construction of any dams or reservoirs, or the laying of any pipes, hydrants or aqueducts, or other works for the purposes aforesaid; and if such person shall be dissatisfied with the sum offered or tendered to him by the trustees of said village, for his damages in the premises, such person may petition the county court for the county of Rutland for the appointment of three commissioners to assess his damages in the premises.

SEC. 30. Such petition shall be served on one of the trustees of said village, within sixty days next after the filing of the description of the property so taken as aforesaid, in the town clerk's office of the towns of Rutland or Pittsford, as required by the twenty-eighth section of this act.

SEC. 31. The same proceedings shall be had in the county court upon such petition as upon the petition of a person dissatisfied with the award of damages of trustees in laying out sidewalks or sewers.

SEC. 32. A person who diverts any part of the water from the sources taken by the village pursuant to the preceding sections, or who maliciously destroys or injures a dam, reservoir, aqueduct, pipe, hydrant, or any similar property, or property appurtenant thereto, held, owned or used by said village, or wantonly or maliciously diverts any part of the water from an



aqueduct belonging to said village, or corrupts said water, or renders it impure, or obstructs its flow by unnecessarily depositing any foreign substance therein, or wantonly or maliciously interferes with the distribution or flow of the water of said aqueduct, by altering, opening or shutting a stop-cock, gate, hydrant, or gauge, in or attached to said aqueduct, shall be fined not more than three hundred dollars, and imprisoned not more than six months, and shall forfeit to the village three times the amount of damage occasioned by such act, to be recovered, with costs, in an action founded on this statute, in the name of said village.

SEC. 33. The grand list of the polls of the inhabitants and ratable estate within said village, as made out by the listers of the towns of Rutland and Pittsford, respectively, shall be the grand list of said village, and the trustees shall cause a copy of said list to be made and filed in the office of the clerk of said village within ten days, or as soon thereafter as practicable, after the same shall be completed in said town clerks' offices.

SEC. 34. In the division of the public school moneys, that portion of said village situated in the town of Pittsford, shall be treated in all respects as if the same were a separate school district of said town of Pittsford, and that portion of said village situated in the town of Rutland, shall be treated in all respects as if the same were a separate school district of said town of Rutland.

SEC. 35. The treasurer of said village shall keep a separate account of the moneys paid into the treasury, arising from the highway tax, or received from any other source to be expended for highway purposes, and a separate account of the moneys paid into the treasury arising from the tax for school purposes, or received from any other source, to be expended for school purposes.

SEC. 36. No money shall be expended by any person for or in behalf of said village, except by the trustees and prudential committee, and no money shall be paid out of the village treasury, except upon orders signed by the trustees or a majority of them, or upon orders signed by the prudential committee, or a majority of them. The trustees and the prudential committee shall each keep a full and true record and account of all orders drawn and expenditures made by them, and shall each make report thereof at each annual meeting of said village, or such other time or times as said village shall direct. And said village may make all needful by-laws, rules and regulations in reference thereto, and for the government of said officers.

SEC. 37. The trustees of said village shall have the same power of granting licenses and vacating the same within the limits of said village agreeably to the by-laws, rules and ordinances thereof, that the selectmen have by chapter one hundred and seventy-seven and chapter one hundred and eighty-six of the Revised Laws, and all moneys received for such licenses shall belong to the village treasury, and be paid into the same.

SEC. 38. The trustees shall cause to be maintained in said vil-



lage at the expense of said village, a good and sufficient pound for the impounding of all beasts liable by law to be impounded, and said trustees shall appoint a pound-keeper for said village, who shall hold this office until removed by said trustees, a record of whose appointment shall be made in the records of said village by its clerk. Said pound-keeper shall be entitled to the same fees, and subject to all the duties imposed upon pound-keepers of towns.

SEC. 39. A citizen or resident of said village shall not, by reason of being such citizen or resident, be disqualified to act as judge, justice of the peace, sheriff or constable in any cause or proceeding in which said village may be interested.

SEC. 40. The said village may, at any annual meeting or special meeting called for that purpose, as hereinbefore provided, lay a tax on the polls of the inhabitants of said village, and the ratable estate within the same, whether of residents or non-residents, for any of the purposes hereinbefore mentioned, and the trustees shall make out a rate bill accordingly and deliver the same to the collector who shall have the same power to collect such tax as the collector of town taxes, and may in like manner sell property to satisfy the same, and for want thereof commit any person against whom he has such a tax, to jail.

SEC. 41. All the fines, penalties or forfeiture imposed or incurred for the breach or violation of any of the provisions of this act or by-laws of said corporation may be prosecuted and recovered before any justice of the peace, within and for the county of Rutland, in an action on the case brought in the name of said corporation, declaring generally for the breach of such by-law, rule or ordinance, or a section of this act, and process may issue against the body of the defendant, in the same manner as provided by law in actions founded on tort, and the execution shall contain a brief statement of the cause of action for which judgment was rendered, and the defendant therein shall be confined in close jail until the same, with all accrued costs, is fully paid and satisfied, or he is otherwise legally discharged.

SEC. 42. This act shall be a public act, and may be altered, amended or repealed by any future legislature.

SEC. 43. This act shall take effect when its acceptance by a majority of the legal voters of said proposed village present, at a meeting thereof to be held in the upper room of the school house in district number twenty-one, in Pittsford, as soon as practicable after the passage of this act, for the purpose of acting upon the matters hereinafter specified in the notice or warning for said meeting. Said meeting shall be held at seven o'clock and thirty minutes in the afternoon, and Nelson G. Piper is hereby authorized to call the same, and the notice or warning thereof shall be substantially as follows :

To the legal voters of the town of Pittsford, residing in district number twenty-one, and the legal voters of the town of Rutland residing in district number fourteen, and also on the farm southerly and adjacent to said district number fourteen, former-



ly known as the German H. Chatterton farm, and now owned by Nelson G. Piper. You are hereby notified and warned to meet in the upper room of the school house in district number twenty-one, in Pittsford, on the                      day of                      188    , at seven and one-half o'clock P. M., to act upon the following matters, viz:

1st. To see if said voters will vote to accept the provisions of the act of the General Assembly of the State of Vermont, passed A. D. 1884, entitled "An Act to Incorporate the Village of Proctor." If said voters shall vote to accept the provisions of said act, then:

2d, To elect the following officers of said village, viz: president, clerk, treasurer, collector of taxes, three auditors, three fire wardens, one trustee and one prudential committee who shall each serve until the annual meeting of said village to be held in 1885, and until their successors are elected; one trustee and one prudential committee to serve until the annual meeting of said village to be held in 1886, and until their successors are elected; and one trustee and one prudential committee to serve until the annual meeting of said village, to be held in 1887, and until their successors are elected.

3d, To see if said voters will vote a tax upon the grand list of said village to pay necessary current expenses.

4th, To transact and act upon any and all other business necessary and proper to complete the effective organization of said village. Dated at Sutherland Falls, this                      day of                      1884.

Said notice or warning shall be posted up in at least two public places within the limits of said proposed village in each of the towns of Pittsford and Rutland at least ten days before the time appointed for said meeting.

Approved Nov. 25, 1884.

## No. 223.—AN ACT TO INCORPORATE THE VILLAGE OF BARRE.

### SECTION.

1. Boundaries; name; rights and liabilities.
2. Property of fire district in Barre to vest in village.
3. Alteration of bounds; record thereof.
4. Annual meeting; how called and held.
5. Special meetings.
6. How meetings to be warned.
7. Voters therein.
8. Officers.
9. Tenure of office.
10. Vacancies; how filled.
11. Duties of president.
12. Duties of trustees.
13. Duties of clerk.
14. Duties of treasurer and collector; shall give bonds.

### SECTION.

15. Duties of auditors.
16. Not to allow claim of an officer unless compensation is fixed.
17. Fire wardens; their powers and duties.
18. May make by-laws regulating fire department.
19. Powers of trustees as to appointment and removal of officers.
20. Compensation of street commissioner.
21. Powers of police officers.
22. Duties of street commissioner.
23. Territorial within village limits constituted a highway district; highway taxes; how assessed, paid or collected; how expended.
24. Powers of trustees in respect to



from the city water works is used, or premises benefited by said water works, shall be liable for the payment of the rents or assessments established as provided in the "Act relating to the water department of the City of Vergennes," approved November 22, 1870, and such rents or assessments shall be a lien on such houses or premises, and may be collected of the owners of such houses or premises in the manner provided in the aforesaid act for the collection of rents and assessments.

Approved Nov. 25, 1884.

No. 250.—AN ACT REQUIRING A FLAGMAN AT PORTLAND STREET CROSSING IN THE VILLAGE OF ST. JOHNSBURY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. It is hereby made the duty of the Connecticut and Passumpsic Rivers Railroad Company hereafter to. keep, at all hours of the day, between seven o'clock in the forenoon and nine o'clock in the evening, a flagman at the crossing where Portland street crosses the Connecticut and Passumpsic Rivers Railroad in the village of St. Johnsbury, whose duty it shall be, by flag, lantern or gate, to warn travellers of the approach of all trains passing on said railroad over said crossing, during the hours aforesaid.

SEC. 2. This act shall take effect from its passage.

Approved Nov. 25, 1884.

No. 251.—AN ACT RELATING TO THE EVERGREEN CEMETERY ASSOCIATION.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Section two of act number one hundred and sixty-seven of the laws of 1880 is hereby repealed.

SEC. 2. Section seven of act number one hundred and thirteen of the laws of 1860 is hereby restored and re-enacted.

Approved November 21, 1884.

No. 252.—AN ACT TO RESTORE THE NAME OF THE NORWICH UNIVERSITY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. An act entitled "An act to change the name of the

SEC. 5. The committee shall receive two dollars per day for their services, and may employ help and teams at a reasonable compensation.

SEC. 6. This act shall take effect from its passage.

Approved November 19, 1884.

### No. 264.—AN ACT LAYING A TAX ON THE COUNTY OF CHITTENDEN.

#### SECTION.

1. Tax of two cents on a dollar of the grand list of the towns assessed.
2. Treasurer to issue his warrants for collection of the same; selectmen of the several towns

#### SECTION.

- to make tax bills and deliver to the collector of taxes; limitation of time for payment of tax into the treasury.
3. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. There is hereby assessed a tax of two cents on a dollar of the grand list of the several towns in the county of Chittenden, for the purpose of paying the indebtedness of said county.

SEC. 2. The treasurer of said county is hereby directed on or before the first day of January, 1885, to issue his warrants for the collection of said tax, in the manner required by law. Selectmen shall make out and deliver to the proper officers, tax bills for the collection of said tax in the month of January, 1885, and such tax shall be collected and paid into the county treasury on or before the first day of June, 1885.

SEC. 3. This act shall take effect from its passage.

Approved November 25, 1884.

### No. 265.—AN ACT LAYING A TAX ON THE COUNTY OF RUTLAND.

#### SECTION.

1. Tax of two cents on a dollar on grand list of towns assessed; purpose.
2. Commissioners appointed; their powers; expenditure not to exceed tax provided in section one; county treasurer to issue warrants.

#### SECTION.

3. Selectmen of the several towns to make tax bills and deliver to the proper officers; when; selectmen may draw order on the town treasurer; limitation of time for payment of tax into the treasury.
4. When to take effect.

SEC. 1. There is hereby assessed a tax of two cents on a dollar of the grand list of the several towns in the county of Rutland, for the purpose of repairing and improving the court house, and paying the indebtedness of said county.



SEC. 2. Ebenezer J. Ormsbee of Brandon, Rodney C. Abell of West Haven, and Albert F. Davis of Rutland, are hereby appointed commissioners for making such repairs and improvements, and such commissioners shall have the entire direction of the same, and shall draw orders on the treasurer of said county to defray the expense of such repairs and improvements, but not for sums exceeding in the aggregate the amount which will be raised by the tax provided in the first section of this act.

SEC. 3. The treasurer of said county is hereby directed on or before the first day of January, 1885, to issue his warrants, for the collection of said tax, in the manner required by law. Selectmen shall make out and deliver to the proper officers tax bills for the collection of said tax in the month of January, 1885, or the selectmen, to whom the warrants for the collection of such tax are transmitted, shall draw an order on the town treasury for the amount of the tax, and such tax shall be collected and paid into the county treasury on or before the first day of June, 1885.

SEC. 4. This act shall take effect from its passage.

Approved November 26, 1884.

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NO. 266.—AN ACT TO LEGALIZE THE SCHOOL DISTRICT OFFICERS AND SCHOOL TAXES IN THE TOWN OF WHITINGHAM FOR THE SCHOOL YEAR, A. D. 1884.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. All school district officers elected by the inhabitants of the several school districts in the town of Whitingham, on the last Tuesday in March, A. D. 1884, shall be deemed and constituted the legal officers of such school districts for the current school year. And all school taxes assessed pursuant to a vote of such school districts for the support of any school or schools, held and maintained therein during the current school year, as required by law, shall be legal and valid.

SEC. 2. This act shall take effect from its passage.

Approved November 25, 1884.

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NO. 267.—AN ACT TO LEGALIZE THE GRAND LIST OF THE TOWN OF WINHALL FOR THE YEAR 1884.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. The grand list of the town of Winhall for the year 1884, as to all taxes assessed or to be assessed thereon are hereby declared legal and valid.

Acts and Resolves 1884

SEC. 2. This act shall take effect from its passage.

Approved November 26, 1884.\*

# ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

# STATE OF VERMONT,

AT THE

NINTH BIENNIAL SESSION, 1886.



PUBLISHED BY AUTHORITY.

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SPRINGFIELD, MASS.:

PRESS OF SPRINGFIELD PRINTING COMPANY.

**Acts and Resolves 1886**



tical returns of the preceding school year, in pursuance of the requirements of law. The account when audited shall be placed on file in the town clerk's office.

SEC. 2. This act shall take effect from its passage.

Approved November 22, 1886.

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No. 32.—AN ACT TO ALLOW TOWNS AND SCHOOL DISTRICTS TO AID KINDERGARTEN SCHOOLS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The use of any school building, or any portion thereof, may be granted by the officers having the charge and management of the same, for the purpose of instructing children under five years of age in a kindergarten school, and any town or school district may at any meeting thereof, duly warned and holden, vote to establish or pay the expenses of such school.

Approved November 23, 1886.

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No. 33.—AN ACT TO PROVIDE FOR THE STUDY OF SCIENTIFIC TEMPERANCE IN THE PUBLIC SCHOOLS OF THE STATE OF VERMONT.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION.

1. Instruction in the public schools respecting alcoholic drinks and narcotics.
2. Space to be given in text books to

SECTION.

- the consideration of this subject.
3. Duties of teacher of public schools.
4. Inconsistent acts repealed.
5. Act, when to take effect; proviso.

SECTION 1. In addition to the branches in which instruction is now required by law to be given in the public schools, instruction shall also be given as to the nature of alcoholic drinks and narcotics and special instruction as to their effect upon the human system in connection with the several divisions of the subject of physiology and hygiene. And such subjects shall be taught as thoroughly as arithmetic and geography are taught in said schools. Such instruction shall be given orally to pupils who are not able to read and shall be given by the use of text books in the case of pupils who are able to read. And such instruction shall be given as aforesaid to all pupils in all public schools in this State.



SEC. 2. The text books used for the instruction required to be given by the preceding section shall give at least one-fourth of their space to the consideration of the nature and effects of alcoholic drinks and narcotics, and the books used in the highest grade of graded schools shall contain at least twenty pages of matter relating to this subject. Text books on physiology in use in the schools at the time this act takes effect which are not in accordance with the requirements of this section shall be changed for books satisfying the requirements of this section, except where previous contracts as to such text books are now in force.

SEC. 3. Each teacher of a public school in this State shall, before lodging the school register with the district clerk as provided by section six hundred and twenty of the Revised Laws, certify therein whether instruction has been given (in the school or grade presided over by such teacher) as required by this act; and no public money shall be paid over to the treasurer of a union or other district unless the register of such district contains the certificate of the teacher that instruction has been given as required by this act.

SEC. 4. All acts or parts of acts heretofore enacted referring to the study of "physiology and hygiene which shall give special prominence to the effects of stimulants and narcotics upon the human system," or to the selection of text books to be used in the pursuance of that study are hereby repealed, except those relating to the examination of teachers in this branch.

SEC. 5. This act shall take effect from its passage, but shall not apply to the division of the public school moneys made in 1887.

Approved November 24, 1886.

## No. 34.—AN ACT RELATING TO TEXT BOOKS IN PUBLIC SCHOOLS.

### SECTION.

1. Certain text books to be furnished to scholars in public schools at the expense of the State.
2. Selection of text books, to be made by board appointed by governor.
3. Meeting of board, when held; duties of board.
4. Board shall contract with publishers of books selected; terms of contract.
5. Town superintendents to estimate number of books needed, and for-

### SECTION.

- ward estimates to secretary of state.
6. Secretary of state to transmit orders for books to contractors; books to be forwarded to secretary and by him sent to town superintendents.
7. Books, how distributed in towns.
8. If text book recommended by board not obtainable, they shall select some other book.
9. Compensation of members of boards.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Text books in the branches required by law to be taught in the public schools, in relation to the nature and effect of alcoholic drinks, and narcotics, shall be furnished to the scholars in

such schools at the expense of the State, and shall be selected, procured and distributed under the provisions of the following sections.

SEC. 2. The selection of such text books for use in the public schools of the State shall be made by a state board composed of three persons to be appointed by the governor.

SEC. 3. This board shall hold a meeting before the first day of January, 1887, at which meeting they shall select one book of a grade on that subject required by law to be taught in such schools. At such meeting the state board shall also prescribe regulations under which the books shall be furnished to scholars by the town superintendents and regulations as to the return of books after use. The board shall cause the list of the books selected and the regulations adopted as to the distribution and return of books to be printed, and a copy forwarded to each town superintendent.

SEC. 4. The board shall immediately make, in the name of the State, written and sealed contracts with the publishers of the books selected. In such contracts they shall stipulate the price at which the books shall be furnished, also that books shall be furnished at such times and in such numbers as may be required by the State, during the next five years. Such contract when executed shall be filed with the secretary of state.

SEC. 5. Each town superintendent shall in the month of January, 1887, and in the month of January of each succeeding year, estimate the number of text books of each kind selected by the state board which will be needed to supply the scholars in the public schools in such town during the ensuing year, and shall forward to the secretary of state such estimate.

SEC. 6. The secretary of state, having received the estimates from the town superintendents, shall transmit orders for the same to the contractors therefor. The books ordered shall be forwarded to the secretary of state, and by him, at the expense of the State, to the town superintendents. A record shall be kept in the office of said secretary, of books ordered, received, and distributed under the provisions of this section. The said secretary shall also certify to the auditor of accounts, the amounts due to contractors for books furnished, and the auditor shall draw his order therefor.

SEC. 7. Books received by town superintendents under the provisions of the preceding section shall be distributed by him in conformity with the regulations prescribed by the state board, and may be reclaimed by him when the regulations so prescribe. Such books, though placed in the hands of the scholars, shall remain the property of the State, and the rights of the scholars therein shall be regarded as a right solely to the use thereof.

SEC. 8. If for any reason after the selection of a list of text books and adjournment of the state board it becomes impossible to procure a text book recommended, or to procure them in sufficient number, the chairman of the board shall notify a meeting of said board, and the board at such meeting shall select some other book in the place of that impossible to be procured, and shall make contracts



with the publishers of such books in the same manner as heretofore prescribed.

SEC. 9. The members of the board shall receive three dollars a day for not exceeding three days' attendance upon the meeting of the board, and ten cents per mile for travel each way. But no member of this board shall receive any commission, percentage, or other consideration either directly or indirectly upon the books selected as required by this act.

SEC. 10. This act shall take effect from its passage.

Approved November 24, 1886.

### NO. 35.—AN ACT IN AMENDMENT OF CHAPTER ONE HUNDRED AND SIXTY-NINE OF THE REVISED LAWS RELATING TO THE TRAFFIC IN INTOXICATING LIQUORS.

#### SECTION.

1. Section three thousand seven hundred and eighty-seven Revised Laws amended. County commissioners, when and how chosen.
2. Section three thousand seven hundred and ninety Revised Laws, amended. His term of office, and compensation.

#### SECTION.

3. Commencement of his term of office.
4. When this act shall take effect; all inconsistent acts repealed.
5. Section three thousand seven hundred and ninety-two Revised Laws amended.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section three thousand seven hundred and eighty-seven of the Revised Laws is hereby amended so as to read as follows:

"A county commissioner shall be chosen on the first Tuesday of September, A. D. 1888, and biennially thereafter by the freemen of the several towns and cities in each county; and it is hereby made the duty of the officers warning the freemen's meetings, hereafter to insert in said warning among the officers to be elected at such meetings, that of county commissioner; and said county commissioner shall be voted for upon the general county ticket, and said votes shall be canvassed and returns made to the county clerk of the county in which said town or city is located at the same time and in the same manner that votes for senators are canvassed and returned. On the tenth day after said election the county clerk of each county shall canvass the votes so returned and declare the person having the greater number of votes elected county commissioner, and shall issue to such person a certificate of his election, and make proclamation of such election in one or more newspapers."

SEC. 2. Section three thousand seven hundred and ninety of the Revised Laws is so amended as to read as follows:

"A county commissioner shall hold his office for two years, from and after the first day of December next succeeding his election, and



ploye in equal degree, and the restoration of our once proud supremacy on the high seas, carrying American goods in American-built ships to all the markets of the world, is an immediate national necessity.

*Resolved*, That the secretary of state be instructed to prepare and forward copies of these resolutions to our senators and representatives in Congress, and they are respectfully requested to use their best efforts to promote the interests herein specified.

JOSIAH GROUT,  
*Speaker of the House of Representatives.*

LEVI K. FULLER,  
*President of the Senate.*

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No. 117.—JOINT RESOLUTION ACCEPTING THE GIFT OF  
THE SWORD OF GENERAL SAMUEL STRONG.

*Resolved by the Senate and House of Representatives :*

That the sword presented to Major-General Samuel Strong by the State of New York in recognition of his distinguished services at the battle of Plattsburgh, and now proffered to the State of Vermont by the representatives and heirs of General Strong, be accepted; and that a committee consisting of one senator and two representatives be appointed by the president of the senate and speaker of the house respectively, to receive the same, with due acknowledgments to the donors, and place it, with proper inscriptions, in the state cabinet.

JOSIAH GROUT,  
*Speaker of the House of Representatives.*

LEVI K. FULLER,  
*President of the Senate.*

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No. 118.—JOINT RESOLUTION RELATING TO THE EDU-  
CATION AND CITIZENSHIP OF INDIANS.

*Whereas*, Believing that the education of Indians and their voluntary citizenship in the United States will most justly, quickly, and economically solve the Indian problem, therefore,

*Resolved by the Senate and House of Representatives :*

That our senators and representatives in Congress be, and they are hereby requested to aid, in the passage of resolutions solemnly pledging the faith of the nation to the Indian policy embodied in the following principles.

*First*, That the unpaid sum pledged for educational purposes by the government as part payment for the cession of lands by Indians, be appropriated for the purpose of stock, farming implements, tools, etc., for Indian manual-labor schools.

*Second*, That so much of the net proceeds of the sale of Indian lands as may be necessary shall be set apart for the purpose of creating a permanent fund for the education of Indians.

*Third*, That lands in severalty, making their titles inalienable for twenty-five years, and United States citizenship may be granted at once to all Indians who so desire.

*Fourth*, That the legal personality of all Indians may be granted, and that protection of law may be given them, as it is to all other races within these United States.

*Fifth*, That the civilization of Indians may be hastened by providing for and rewarding their civilized industries.

*Sixth*, That the salaries of Indian agents be increased sufficiently to secure good men of large capacity and business experience, and to retain them in service.

*Resolved*, That the governor be requested to transmit a copy of the foregoing resolutions to each of the senators and representatives in Congress from this State.

LEVI K. FULLER,

*President of the Senate.*

JOSIAH GROUT,

*Speaker of the House of Representatives.*

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No. 119.—JOINT RESOLUTION RELATING TO PERMANENT CAMPING GROUNDS.

*Resolved by the Senate and House of Representatives :*

That the governor, brigadier-general, adjutant and inspector general, quartermaster general, colonel of the regiment, and commander of the battery, be constituted a commission for the purpose of investigating the expediency of establishing permanent camping grounds for the use of the regiment and battery, and if found desirable to establish such grounds, to recommend their location and necessary legislation to the legislature of 1888.

LEVI K. FULLER,

*President of the Senate.*

JOSIAH GROUT,

*Speaker of the House of Representatives.*



# CORPORATIONS.

## No. 137.—AN ACT TO INCORPORATE THE TOWN OF PROCTOR.

### SECTION.

1. Boundaries ; powers and duties.
2. Liability of inhabitants and estates respecting taxes.
3. Liability for support of paupers.
4. Town records and files.
5. Contracts respecting highways and bridges.
6. Apportionment of assets and liabilities of the town of Rutland; share

### SECTION.

- of United States deposit fund to be turned over.
7. Powers respecting the borrowing of money and issuing of evidences of indebtedness.
8. Meeting for organization; when and how called and holden.
9. When act to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

**SECTION 1.** All that territory now within the towns of Rutland and Pittsford hereinafter described is hereby incorporated into a town by the name of Proctor; the portion now within the town of Rutland consists of so much of the village of Proctor, incorporated by an act of the general assembly approved November 25, 1884, as is situated within said town of Rutland; and in addition thereto all of district number ten lying west of Otter creek, except the farm of Stephen Daniels, and so much of district number ten easterly of Otter creek as lies north of the following described line, viz.: beginning on the east bank of Otter creek at the northwest corner of the Baker farm, so called, it being also the southwest corner of land belonging to Horatio and Stephen W. Mead, thence south eighty-four degrees east of the south line of said Mead's land and the south line of land of Hannibal I. Reynolds to said Reynolds' southeast corner; thence northerly on said Reynolds' east line to the northwest corner of the school lot, so called; thence easterly on the north line of the school lot and on the extension thereof easterly to the quarter line. The portion now within the town of Pittsford consists of so much of the said village of Proctor as is situated within said town of Pittsford; and in addition thereto the following described territory: beginning at the center of Otter creek at the northeast corner of said village, it being the northeast corner of the farm of E. C. Warner; thence northerly, following the thread of the stream to and through the center of the covered bridge known as the Gorham bridge, to the north line of the highway passing through said bridge; thence westerly and northerly on the north and east line of said highway to the road crossing on the Rutland railroad on the White Hill road, so called; thence northerly in the center line of said Rutland railroad to the northeast corner of the Shangraw farm, so called; thence north seventy-six degrees west on the north line of said farm nine hundred and forty-



one foot; thence north eighty degrees west three hundred feet; thence north eighty-four degrees west nine hundred and eighteen feet; thence south four degrees west one thousand one hundred and eighty-eight feet; thence north eighty-five degrees west one thousand three hundred and fifty-three feet; thence north eighty-two degrees west four hundred and forty-six feet; thence south seventy-three degrees west one thousand one hundred and fifty-five feet; thence southerly on the west line of said farm one hundred and eighteen and one-half feet to a corner of Byron J. Douglas' mountain pasture; thence westerly on the north line of said Byron J. Douglas' mountain pasture to the northwest corner thereof; thence southerly on said Douglas' west line to the northwest corner of said village of Proctor; thence easterly on the north line of said village to the center of Otter creek, the place of beginning. And said town of Proctor is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties, liabilities and requisitions to which other towns are entitled and subject by the constitution and laws of this State; and said town shall be one of the towns of the county of Rutland, and of the Rutland probate district.

SEC. 2. The inhabitants and estates within said town of Proctor, and the owners of said estates, shall be holden to pay the arrears of taxes which have been legally assessed upon them by either of the towns of Rutland or Pittsford, and all taxes heretofore assessed and not collected shall be collected and paid to the treasurers of the towns of Rutland or Pittsford, as the case may be, in the same manner as if this act had not been passed.

SEC. 3. The towns of Rutland, Pittsford, and Proctor shall be respectively liable for the support of all persons who now are or hereafter shall become paupers, whose settlement was gained within their respective limits; and also in like manner for the support of all paupers now on the town farms of Rutland and Pittsford who were sent there from within their respective limits.

SEC. 4. The town records of the present towns of Rutland and Pittsford, and all papers now by law on file in the town clerks' offices of said towns shall continue to be deposited and kept in the town clerks' offices of the towns of Rutland and Pittsford, as hereby modified; and all copies thereof which shall hereafter be made and certified in due form of law by the town clerks of said Rutland or Pittsford, shall have the same credit and effect that are by law given to copies and certificates made by the town clerks of other towns in this State.

SEC. 5. All contracts heretofore made by the towns of Rutland or Pittsford, for the making, building and keeping in repair of any road or roads, bridge or bridges, shall be assumed and fulfilled by the towns of Rutland, Pittsford or Proctor respectively in which such road or bridge is located.

SEC. 6. The assets and liabilities of the town of Rutland shall be apportioned on the basis of the grand list of 1886, belonging to the territory included within said towns of Rutland and Proctor, respect-

ively. The share of the town of Proctor in the United States deposit fund of the town of Rutland shall be turned over to the town of Proctor by the town of Rutland. The total amount of the existing indebtedness of the town of Rutland, including all outstanding orders, bonds, and admitted liabilities, shall be ascertained, the real and personal property constituting the town hall and town farm properties, and the road machines of the town of Rutland shall be valued under the rule prescribed for the appraisal of property for taxation; the gross amount of such valuation shall be deducted from said total indebtedness, and the remaining balance of indebtedness shall be apportioned as first above provided; the share of said indebtedness to be assumed by the town of Proctor shall be paid by said town, to the town of Rutland within thirty days after the result is determined. Such apportionment shall be made by the selectmen of the town of Rutland, and the selectmen of the town of Proctor, and if said boards of selectmen shall not be able to agree thereon within one month after the organization of said town of Proctor, the presiding judge of the county court for the county of Rutland on application of either of said boards of selectmen, and on notice to the other party, shall appoint three disinterested commissioners to make such apportionment, whose decision, rendered on hearing of the parties after twelve days' notice, shall be final. The foregoing provisions of this section as to the town of Rutland shall apply also to the town of Pittsford, and the respective rights, properties, and liabilities of the towns of Pittsford and Proctor shall be apportioned between them by their respective boards of selectmen, or if they cannot agree, by a board of commissioners appointed as aforesaid. All unliquidated and disputed claims, all pending suits, and all suits that shall hereafter be brought upon causes of action originating prior to the time when this act shall take effect, in favor of or against said towns of Rutland or Pittsford, shall be enforced and prosecuted by or against said towns in the same manner as if this act had not been passed; and any and all moneys collected, or damages recovered by or against said towns, together with the expenses of litigation if any, shall be apportioned and settled upon the basis first above provided, the town of Proctor receiving or paying its proportion thereof, from or to the town of Rutland or Pittsford, as the case may be. In case the money raised for erecting the Memorial Hall shall prove insufficient to complete the same according to the plans and specifications agreed upon, the town of Proctor shall contribute its share necessary to complete the same as agreed, in proportion as its grand list now is to the grand list of the whole town of Rutland.

SEC. 7. Said town of Proctor may borrow money and issue its orders, notes, bonds, or coupons therefor, or for the purpose of funding any debt assumed under this act or otherwise, in the manner prescribed in section two thousand seven hundred and seventy-five of the Revised Laws.

SEC. 8. The said town of Proctor shall become organized and its first meeting shall be called and holden on the first Tuesday in March, 1887, in the manner prescribed by section two thousand six hundred and fifty-four of the Revised Laws.



SEC. 9. This act for the purpose of calling said meeting of the voters of said town for its organization as aforesaid shall take effect from its passage, and for all other purposes this act shall take effect on the first Tuesday of March next.

Approved November 18, 1886.

No. 138.—AN ACT TO INCORPORATE THE TOWN OF WEST RUTLAND.

SECTION.

1. Corporate powers and liabilities.
2. Liability for support of paupers.
3. Town records and files.
4. Apportionment of assets and liabilities.
5. Liability of inhabitants and estates respecting taxes.

SECTION.

6. Contracts respecting highways and bridges.
7. Justices of the peace for town of Rutland to continue as such where they are legal voters.
8. Meeting for organization ; when and how holden.
9. Act when to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The inhabitants of that portion of the existing town of Rutland which is embraced within the boundaries of the following districts, viz.: School districts numbers six, seven, eight, nine, twenty-one, and central district, so-called, are hereby incorporated and made a body corporate and politic under the name of "West Rutland," and by that name may sue and be sued, prosecute and defend in any court; may take, hold, purchase, and convey such property as the purposes of the corporation may require; may borrow money on the credit of the corporation and may issue its bonds, coupons, notes, and orders therefor, or for the purpose of funding any debt assumed under this act, or otherwise, in the manner prescribed by the general laws of this State relative thereto; may elect a representative to the general assembly of this State, and generally shall have the same offices and officers as are by law prescribed for other towns in this State, and shall exercise and enjoy all such rights, immunities, and privileges as are conferred upon, or incident to other towns in this State, and shall be subject to like duties, liabilities, and obligations of such towns, except as is otherwise provided in this act; and shall be and hereby is made one of the towns of the county of Rutland, and of the Rutland probate district within and for the said county.

SEC. 2. The towns of Rutland and West Rutland respectively, shall be liable for the support of all persons who now are, or hereafter shall become paupers, and who have, or hereafter shall have gained a settlement within their respective territorial limits; and for the support of all paupers who are now upon the town farm of said town of Rutland, who **Acts and Resolves 1886** rm from within their respective territorial limits.



SEC. 3. The town records of the present town of Rutland, and all papers and files now existing, which are by law kept in the office of the town clerk of said town, shall remain deposited and kept in the office of the clerk of said town of Rutland; and all copies of said records, papers and files which shall hereafter be made and certified in due form of law by the clerk of said town of Rutland shall have the same credit and effect that are by law given to copies and certificates made by the town clerks of other towns in this State.

SEC. 4. The assets and liabilities of the town of Rutland shall be apportioned on the basis of the grand list of 1886, belonging to the territory included within said towns of Rutland and West Rutland respectively. The share of the town of West Rutland in the United States deposit fund of the town of Rutland shall be turned over to the town of West Rutland by the town of Rutland. The total amount of existing indebtedness of the town of Rutland, including all outstanding orders, bonds, and admitted liabilities shall be ascertained; the real and personal property constituting the town hall and town farm properties and the road machines of the town of Rutland shall be valued under the rule prescribed for the appraisal of property for taxation; the town hall and town farm properties situated within the limits of the town of West Rutland shall belong to the latter town, and their appraised value shall be deducted from the value of the town hall in Rutland. The resulting balance of such valuation shall be deducted from said total indebtedness, and the remaining balance of indebtedness shall be apportioned as first above provided; the share of said indebtedness to be assumed by the town of Rutland shall be paid by said town to the town of Rutland within thirty days after the result is determined. Such apportionment shall be made by the selectmen of the town of Rutland, and the selectmen of the town of West Rutland; and if said board of selectmen shall not be able to agree thereon within one month after the organization of said town of West Rutland, the presiding judge of the county court for the county of Rutland, on application of either of said boards of selectmen, and on notice to the other party, shall appoint three disinterested commissioners to make such apportionment, whose decision, rendered on hearing of the parties after twelve days' notice, shall be final.

All unliquidated and disputed claims, all pending suits and all suits that shall hereafter be brought upon causes of action originating prior to the time when this act shall take effect, in favor of or against said town of Rutland, shall be enforced and prosecuted by or against said town in the same manner as if this act had not been passed; and any and all moneys collected, or damages recovered by or against said town, together with the expenses of litigation if any, shall be apportioned and settled on the basis first above provided, the town of West Rutland receiving or paying its proportion thereof from or to the town of Rutland, as the case may be.

In case the money raised for erecting the Memorial Hall shall prove insufficient to complete the same according to the plans and specifications agreed upon, the town of West Rutland shall contribute its share necessary to complete the same as agreed, in

proportion as its grand list now is to the grand list of the whole town of Rutland.

SEC. 5. The inhabitants and estates within the present town of Rutland, and the owners of said estates, shall be held liable for the payment of taxes now in arrears, and which have been legally assessed upon them by the town of Rutland; and all such taxes uncollected shall be collected and paid into the treasury of the town of Rutland, in the same manner as it would have been done before the passage of this act.

SEC. 6. All contracts heretofore made by the existing town of Rutland, for the making, building, repairing, and maintaining, of any road or roads, bridge or bridges, shall be assumed and carried out by the town in which said road or roads, bridge or bridges are situated.

SEC. 7. The justices of the peace for the town of Rutland, elected at its last freemen's meeting, shall be and continue as such justices of the peace, for and during the time for which they were elected in the town within whose limits they were legal voters.

SEC. 8. The town of West Rutland shall become organized, and its first meeting shall be called and holden on the first Tuesday in March, A. D. 1887, in the manner prescribed by section two thousand six hundred and fifty-four, chapter one hundred and thirty, of the Revised Laws.

SEC. 9. This act for the purpose of calling a meeting of the voters of the said town of West Rutland, for the organization thereof, on the first Tuesday of March next, shall take effect from its passage; and for all other purposes shall take effect on the first Tuesday of March next.

Approved November 19, 1886.

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No. 139.—AN ACT IN AMENDMENT OF AND IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF WEST RUTLAND," APPROVED NOVEMBER 19, 1886.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The following words to wit: "The share of said indebtedness to be assumed by the town of Rutland shall be paid by said town to the town of Rutland within thirty days after the result is determined," in lines twenty, twenty-one, and twenty-two of section four of an act entitled "An act to incorporate the town of West Rutland," approved November 19, 1886, are hereby amended so



as to read as follows: "the share of said indebtedness to be assumed by the town of West Rutland shall be paid by said town to the town of Rutland within thirty days after the result is determined."

SEC. 2. When the towns of West Rutland and Proctor shall become organized, said towns and the town of Rutland shall be entitled respectively to the number of justices of the peace provided by the constitution in that behalf.

SEC. 3. This act shall take effect on the first Tuesday of March next.

Approved November 23, 1886.

### No. 140.—AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRIDGE FROM GRAND ISLE TO NORTH HERO.

#### SECTION.

1. Corporators; purposes of the corporation.
2. Capital stock.
3. After formation, may make by-laws.
4. After completion of bridge, may erect toll-gate; rights to take toll.
5. When bridge shall be completed.

#### SECTION.

6. Right to appropriate land.
7. May borrow money and issue bonds and secure same by mortgage.
8. How company may surrender bridge to towns named.
9. Act subject to certain existing laws.
10. Subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. J. A. Chamberlain, Geo. Hyde, S. G. Macomber, Warren Corbin, Wm. Tracy, C. W. Petty, C. B. Russell, R. R. Hathaway, Giles Hawrican, David Marvin, Jed. P. Ladd, Henry Mott, Henry H. Hill, E. R. Goodsell, N. W. Fisk, their associates, successors and assigns, are hereby constituted a corporation by the name of the Grand Isle Bridge Company, with all the powers incident to corporations, and shall have all the power and authority requisite to lay out, construct, and keep in repair a bridge from Grand Isle to North Hero, at the nearest point of junction between said towns, to be constructed with a suitable draw over the deepest channel, not to exceed eighty and not less than seventy feet in width, for the passage of vessels and water craft through said channel.

SEC. 2. The stock of said company shall consist of such a number of shares of ten dollars each as may be deemed requisite by said company, subject to be increased by vote of said company, at any regular meeting warned for that purpose, agreeable to their by-laws; and the shares of stocks which have heretofore or may hereafter be subscribed by the several persons hereinbefore named and others, are hereby made the stock of said company.

SEC. 3. The persons named in this act, together with such other persons as have or may hereafter associate with them, may unite to form said company in such manner as they may deem most advisable, agreeable to the laws of this State; and after said company shall



SEC. 4. The persons named in the first section of this act are hereby declared to be the first board of trustees of said corporation, and the first meeting of said board for the election of officers and the adoption of rules and by-laws shall be held in the town of Weston, and may be called by either of the two persons first named in section one, by giving personal notice to the other members of said board of the time and place of such meeting, at least ten days prior to such meeting; and said board of trustees shall have power to fill all vacancies in said board which shall occur by death, resignation, or otherwise.

SEC. 5. The corporation hereby created may purchase and receive, take and hold, by gift, grant, devise or bequest, any real estate or personal property for the uses and purposes contemplated by this act, whether the same be given, devised, bequeathed or conveyed directly to said corporation or to the board of trustees, or any person or persons, for the use or benefit of said corporation.

SEC. 6. This act shall be under the control of the legislature to alter, amend or repeal, as the public good may require, and shall take effect from its passage.

Approved November 19, 1886.

#### NO. 143.—AN ACT TO INCORPORATE THE RUTLAND SOLDIERS' MEMORIAL HALL LIBRARY ASSOCIATION.

##### SECTION.

1. Corporators; name; purpose; powers.
2. Vacancy in number of corporators how filled.
3. *Ex officio* members.
4. Affairs, by whom managed; trustees, how chosen and their terms of office.
5. Officers.

##### SECTION.

6. Additional powers.
7. No indebtedness to be created except for expenses.
8. Certain powers conferred.
9. Act under legislative control; when to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Susan B. Aiken, Charles L. Allen, Joel C. Baker, James Barrett, Rockwood Barrett, Mary E. Baxter, Hugh H. Baxter, Sarah F. C. Baxter, Rebecca S. Beaman, Jesse L. Billings, Samuel Boardman, Nancy H. Bottum, Charles Boylan, Frank W. Brown, H. H. Brown, Jewett P. Cain, George T. Chaffee, Daniel Chittenden, Charles Clement, Sarah Clement, Percival W. Clement, Florence Cramton, William B. Cronan, Harriette D. Dana, Mary E. Daniels, Albert F. Davis, Julia C. R. Dorr, William R. Dorr, Walter C. Dutton, James C. Dunn, Horace H. Dyer, B. F. Farmer, E. C. Fish, Jr., Henry F. Field, Edson P. Gilson, William Gilmore, Charles H. Granger, B. R. Greeno, J. Grafton Griggs, S. H. Griswold, J. D. Hanrahan, Joel B. Harris, Charlotte S. Harris, Henry C. Hayward, James F. Hogan, Charles H. Joyce, William H. Johnson, Levi G. Kingsley, Walter C. Landon, Joseph E. Leonard, E. C. Lewis, Clark

L. Long, George T. Loop, Milo Lyman, Edward Lyston, John McGuirk, J. E. Manley, B. W. Marshall, John A. Mead, P. M. Meldon, George A. Merrill, E. A. Morse, John O'Rourke, Lee K. Osgood, M. Odell, N. F. Page, Harriet E. Page, William R. Page, M. A. Patrick, George E. Pelton, Evelyn Pierpoint, James E. Post, Redfield Proctor, Ellen S. E. Prout, J. J. R. Randall, Kate M. Redington, William Y. W. Ripley, Edward H. Ripley, Thomas C. Robbins, George E. Royce, Harriet C. Sheldon, John A. Sheldon, Susan P. Sheldon, Harley G. Sheldon, Hiram A. Smith, Warren H. Smith, John D. Spellman, B. F. Taylor, Edward L. Temple, Eugene Thomas, Albert H. Tuttle, Egbert G. Tuttle, George C. Underhill, Wheelock G. Veazey, Kate S. Walker, George J. Wardwell, Caroline F. Woodfin, Charles Woodhouse, A. T. Woodward, their associates and successors, are hereby constituted a body corporate by the name of the Rutland Soldiers' Memorial Hall Library Association, for the purpose of collecting and maintaining a public library, art gallery, and museum of relics, trophies, and records of the War of the Rebellion, and by that name shall have perpetual succession and be capable in law to purchase and receive for the purposes above indicated by gift or otherwise, all kinds of property, real and personal, and the same to hold for such purposes only, and to sell or convey the same at pleasure, to sue and be sued, to prosecute and defend in all courts and places whatsoever, to have a common seal and the same to renew and change at pleasure, and to make and carry into effect all such by-laws and rules as may be deemed expedient for the proper management of the affairs of the corporation not repugnant to its charter or the laws of the State.

SEC. 2. In case of any vacancy in the number of the corporators occasioned by death, resignation, or the failure for two years to attend to the duties of corporator, the remaining corporators shall have the power to declare the existence of a vacancy and to fill it by the election of another person to be corporator.

SEC. 3. The selectmen, municipal judge, and town superintendent of schools in the town of Rutland shall be *ex officio* members of the corporation.

SEC. 4. The affairs of the corporation shall be managed by a board of nine trustees, chosen from the corporators, three for one year, three for two years, and three for three years, and upon the expiration of the term of such trustees their places shall be filled by the trustees elected for three years; vacancies may be filled by the trustees for any unexpired term.

SEC. 5. The board of trustees shall have power to appoint from their number a president, first and second vice-president, treasurer, secretary, and executive committee. Their duties shall be the financial management and control of the corporation and the entire care of its property real and personal.

SEC. 6. The corporation hereby created may purchase and receive, take, and hold, by gift, grant, devise, or bequest any real estate or personal property for the uses and purposes contemplated by



this act, whether the same be devised, bequeathed, or conveyed directly to said corporation or the board of trustees or any person or persons for the use and benefit of said corporation. In all investments of the cash funds of the corporation, the board of directors shall be governed by the laws applicable to the savings banks and trust companies of the State.

SEC. 7. Neither said corporation nor any corporator, officer, or manager, or the employe thereof, shall have any power to create a debt against said corporation except for current expenses.

SEC. 8. The powers conferred upon towns by sections two thousand seven hundred and thirty-eight to two thousand seven hundred and forty-six inclusive, of the Revised Laws, may be exercised in respect to any library, art gallery, or museum which may be collected by said corporation.

SEC. 9. This act shall be under the control of future legislatures to amend or repeal as the public good may require, and shall take effect from its passage.

Approved November 18, 1886.

## NO. 144.—AN ACT TO INCORPORATE THE WINDSOR PUBLIC LIBRARY.

### SECTION.

1. Corporators; name; purpose; powers, rights and privileges.
2. Powers of corporation.
3. Members of corporation.

### SECTION.

4. First Trustees, their terms of office.
5. By-laws.
- 6 and 7. Certain property, by vote, may be transferred to corporation.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Luther C. White, Charles C. Beaman, Marsh O. Perkins, Horace P. McClary, Edward N. Goddard, Eastburn E. Lamson, Charles Tuxbury, and their successors and associates, are hereby made a corporation by the name of the Windsor Public Library, for the purpose of establishing and maintaining a public library in Windsor, and by that name may sue, and be sued, implead, and be impleaded, have a common seal and perpetual succession, and enjoy all the privileges incident to corporations.

SEC. 2. Said corporation shall have authority to take by purchase, gift, devise, or bequest, real and personal estate to the amount of fifty thousand dollars, and hold the same for the purposes aforesaid, in addition to books and objects of curiosity and art.

SEC. 3. The corporation shall consist of the chairman of the board of selectmen and the treasurer of the town of Windsor for the time being, and seven other persons, six of whom at least shall be citizens of the town of Windsor, who shall constitute a board of



No. 146.—AN ACT TO CHANGE THE NAME OF THE PINE HILL CEMETERY ASSOCIATION TO THE EVERGREEN CEMETERY ASSOCIATION, AND TO LEGALIZE ITS ACTION.

SECTION.

1. Number one hundred and thirteen of the acts of 1860 so amended as to change the name.
2. Annual meeting; term of office of trustees; by-laws.

SECTION.

3. Each proprietor to keep lot in repair; on failure trustees shall repair.
4. May receive donations and deposit same.
5. Action of trustees in case of certain burials.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The first section of act number one hundred and thirteen of the acts of the legislature of Vermont, for the year 1860, is hereby so amended as to hereafter constitute a corporation by the name of the Evergreen Cemetery Association, instead of the Pine Hill Cemetery Association, to be composed of the same persons and parties, and with all the powers and privileges given by said act number one hundred and thirteen, and the amendments thereto; and all business done and contracts heretofore made by said corporation under the name of the Evergreen Cemetery Association, shall be as legal and valid as they would have been if the corporate name of said corporation had been the Evergreen Cemetery Association at the time said business was done or said contracts entered into. And all conveyances of real estate conveyed to or by said corporation in the name of the Evergreen Cemetery Association are hereby confirmed to the grantees in said conveyances.

SEC. 2. Section six of said act number one hundred and thirteen of the acts of 1860 is hereby amended so as to read as follows:

"There shall be an annual meeting of the corporation at such time and place as the by-laws may prescribe, at which the trustees shall be elected, the by-laws of the corporation made, altered, or amended, and all business requiring a vote of the members be done. The trustees may hold their offices until new ones shall be elected. No by-laws of the corporation shall be made, altered, or amended, unless a notice of the meeting containing a statement of the proposed by-laws, or of the alteration or amendment, shall be published two weeks successively in some newspaper printed in the town of Rutland."

SEC. 3. Section eight of said act is hereby amended so as to read as follows:

"Each proprietor of a lot in said cemetery shall keep his said lot in proper repair under the direction of the trustees; and in case of his neglect or refusal to cause to be done and performed such work as said trustees shall designate, for the proper keeping of his said lot, the trustees shall as cheaply and economically as possible put said lot in reasonable and suitable repair, and may make an assessment upon each proprietor of a lot so put in repair for the actual expense of such repairs, and for tastefully keeping the same according to the by-laws and the orders of the trustees. If any proprietor or

proprietors of lots in said cemetery shall neglect or refuse to pay the sum so assessed, the corporation may sue for and recover the same in any proper action. If there be more than one proprietor of a lot, said suit may be maintained against either, any, or all of the proprietors of said lot."

SEC. 4. The trustees may receive any donations of money, the income of which is to be used by them in keeping lots in said cemetery in suitable repair, and may deposit the same in savings banks or trust companies, or invest them in public securities or mortgage securities, using their best discretion at all times to keep said donations well and safely secured, and they shall use said income only for the purposes for which it is donated.

SEC. 5. If burials or interments shall at any time be made upon any lot in said cemetery, and the person using said lot shall not have paid therefor, and said corporation shall not have made any conveyance thereof, the trustees may sell and dispose of any surplus land in said lot, but not so as to disturb the grave thereon, or to impair or injure the part of said lot upon which said burial is made.

SEC. 6. This act shall take effect from its passage.

Approved November 22, 1886.

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NO. 147.—AN ACT RELATING TO THE BURLINGTON  
GAS LIGHT COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Burlington Gas Light Company, incorporated under an act of the legislature approved November 5, 1852, is authorized and empowered to construct or purchase power, buildings, and apparatus for the purpose of generating electricity, and to use and sell electricity for lighting the streets, highways, buildings, and public grounds of the city of Burlington and the town of Colchester, and for heat power, and other purposes; and to erect in said streets, highways, and public grounds suitable poles, wires, lamps, and other necessary apparatus, provided that public travel shall not be unnecessarily impeded thereby, subject to the ordinances of the city of Burlington and the rights of the town of Colchester. And the said company may use or sell lights, heat power, or other products obtained by any other methods or appliances that are now, or may be invented, discovered, or used for like purposes, and are hereby authorized to purchase and hold stock in other companies, now organized or that may be hereafter organized for any of the purposes above named, to an amount not exceeding one hundred thousand dollars, and for carrying out the provisions of this act the said Burlington



stopped, obstructed, or injured, or who shall tap any electrical line of said corporation so that electricity may be taken therefrom, or shall knowingly use electricity taken from such line without consent of said corporation, shall be punished by a fine of not more than three hundred dollars, or by imprisonment not more than two years, or both; and such person shall also be liable to said corporation or to any one injured, for their actual damages with full costs.

SEC. 5. Said corporation shall not transact business until it acquires by purchase all property and rights, and assumes all liabilities, of the association now existing by the same name; and in case said corporation shall so acquire and assume, said association now existing shall cease to do business.

SEC. 6. This act shall be subject to all applicable provisions of chapters one hundred and fifty-two and one hundred and fifty-three of the Revised Laws, and to alteration, amendment, or repeal by future legislatures.

SEC. 7. This act shall take effect from its passage.

Approved November 13, 1886.

NO. 150.—AN ACT TO INCORPORATE THE RUTLAND ELECTRIC LIGHT COMPANY AND TO LEGALIZE ITS ACTION.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The persons who have associated together under the name of the Rutland Electric Light Company, at Rutland, in the county of Rutland, by articles of association duly filed and recorded in the office of the secretary of state, and their successors, are hereby constituted a body corporate by the name of the Rutland Electric Light Company, for the purpose of lighting the streets, and public and private buildings, in said Rutland, and of generating electricity for that purpose, and also for the purpose of furnishing power for manufacturing and other purposes, and shall have all the powers and be subject to all the liabilities and duties of private corporations organized by voluntary association under the provisions of chapter one hundred and fifty three of the Revised Laws.

SEC. 2. The organization, articles of association, by-laws, and all business done and contracts made by said Rutland Electric Light Company, under its articles of association and by-laws, are hereby legalized, and shall be regarded and have the same effect as they would have if the purposes named in the first section of this act were included and enumerated in section three thousand two hundred and seventy-six of the Revised Laws, and in said articles of association. And it is hereby declared that chapter one hundred and fifty-three, of the Revised Laws, and all other laws of this State,



shall have the same force when applied to the corporation hereby constituted, that they would have if the same was constituted and organized solely under chapter one hundred and fifty-three aforesaid, for the purposes named in section three thousand two hundred and seventy-six aforesaid.

SEC. 3. This act shall take effect from its passage.

Approved November 12, 1886.

## No. 151.—AN ACT TO INCORPORATE THE BURLINGTON BOARD OF TRADE.

### SECTION.

1. Corporators; name; powers.
2. Objects.
3. Principal place of business.
4. Affairs, by whom managed.

### SECTION.

5. By-laws.
6. May acquire real estate; limitations.
7. First meeting; where and when held.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. Elias Lyman, Joseph Aned, Edw. Wells, George H. Morse, C. R. Hayward, U. A. Woodbury, O. J. Walker, George H. Kinsley, W. A. Crombie, Joel Linsley, George W. Wales, A. E. Richardson, Henry J. Nelson, B. Turk, F. E. Perkins, W. S. Vincent, S. Huntington, F. L. Taft, W. B. McKillip, D. N. Nicholson, and Edward Barlow, their associates and successors, are hereby constituted a corporation by the name of the Burlington Board of Trade, and by that name may sue and be sued, may adopt a common seal and the same alter at pleasure, and shall have all the privileges incident to corporations.

SEC. 2. The objects for which this corporation is created are: The encouragement of trade and commerce in the city of Burlington and its vicinity; the more frequent intercourse between business men; the improvement of facilities for transportation; the diffusion of information concerning the trade, manufactures, and other interests of said city; the co-operation of this with similar associations in other places, and generally the development of the material and local interests of said city.

SEC. 3. The principal place of business of said corporation shall be the city of Burlington in the county of Chittenden.

SEC. 4. The property and business affairs of the corporation shall be managed and controlled by a board of directors.

SEC. 5. By-laws for the management of the affairs of the corporation shall be made by a majority of the corporators, and such by-laws may be amended, altered, or repealed, and others adopted from time to time in the manner provided by said by-laws.

The by-laws shall apply to the admission and qualifications of membership, shall designate the number of directors and

shall have the same force when applied to the corporation hereby constituted, that they would have if the same was constituted and organized solely under chapter one hundred and fifty-three aforesaid, for the purposes named in section three thousand two hundred and seventy-six aforesaid.

SEC. 3. This act shall take effect from its passage.

Approved November 12, 1886.

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NO. 151.—AN ACT TO INCORPORATE THE BURLINGTON  
BOARD OF TRADE.

SECTION.

1. Corporators; name; powers.
2. Objects.
3. Principal place of business.
4. Affairs, by whom managed.

SECTION.

5. By-laws.
6. May acquire real estate; limitations.
7. First meeting; where and when held.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Elias Lyman, Joseph Aned, Edw. Wells, George H. Morse, C. R. Hayward, U. A. Woodbury, O. J. Walker, George H. Kinsley, W. A. Crombie, Joel Linsley, George W. Wales, A. E. Richardson, Henry J. Nelson, B. Turk, F. E. Perkins, W. S. Vincent, S. Huntington, F. L. Taft, W. B. McKillip, D. N. Nicholson, and Edward Barlow, their associates and successors, are hereby constituted a corporation by the name of the Burlington Board of Trade, and by that name may sue and be sued, may adopt a common seal and the same alter at pleasure, and shall have all the privileges incident to corporations.

SEC. 2. The objects for which this corporation is created are: The encouragement of trade and commerce in the city of Burlington and its vicinity; the more frequent intercourse between business men; the improvement of facilities for transportation; the diffusion of information concerning the trade, manufactures, and other interests of said city; the co-operation of this with similar associations in other places, and generally the development of the material and local interests of said city.

SEC. 3. The principal place of business of said corporation shall be the city of Burlington in the county of Chittenden.

SEC. 4. The property and business affairs of the corporation shall be managed and controlled by a board of directors.

SEC. 5. By-laws for the management of the affairs of the corporation shall be made by a majority of the corporators, and such by-laws may be amended, altered, or repealed, and others adopted from time to time in the manner provided by said by-laws.

The by-laws shall regulate the conditions of admission and qualifications of membership, shall designate the number of directors and



shares and provide for the transfer thereof; provided, however, that said capital stock shall not be less than ten thousand dollars nor more than three hundred thousand dollars, and provided further, that said shares shall not be less than twenty-five, nor more than one hundred dollars each.

SEC. 3. It shall be managed by a board of directors who shall have all the power of the corporation. The number of the directors shall be fixed by the by-laws of the corporation, but shall not be more than seven or less than three, and such by-laws may make all needful provisions for the conduct of the corporation not herein otherwise provided.

SEC. 4. The corporation may issue its notes or obligations in and about the proper prosecution of its business to any necessary extent, and may secure the same by mortgage of its real and personal property.

SEC. 5. No part of the capital shall be withdrawn or diverted from the proper business of the company. It shall not contract debts exceeding three-fourths of the amount of its capital stock actually paid in, and if at any time the indebtedness shall exceed that amount the stockholders or directors assenting thereto shall be liable to the creditors for such excess.

SEC. 6. This act shall be subject to the control of future legislatures to alter, repeal or amend as the public good may require.

SEC. 7. This act shall take effect from its passage.

Approved November 22, 1886.

## No. 157.—AN ACT TO INCORPORATE THE HOWE SCALE COMPANY OF 1886.

### SECTION.

1. Corporators; name; purpose.
2. Location; may unite with other partners.
3. Subscriptions to capital stock.
4. Powers of corporation.

### SECTION.

5. Shall not mortgage its property without consent of stockholders; may increase capital stock.
6. Act subject to existing laws.
7. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Carlos S. Sherman, John W. Cramton, Evelyn Pierpoint, William B. Mussey, Warren H. Smith, Albert A. Fletcher, John A. Sheldon, James H. Williams, Redfield Proctor, P. P. Pitkin, George W. Wickersham, Henry C. Gleason, William G. Shaw, George S. Studwell, Edwin Martindale, Aldace F. Walker, William R. Page, Charles Dewey, Rockwood Barrett, and their associates, successors, and assigns, are hereby constituted a corporation by the name of The Howe Scale Company of 1886, for the purpose of manufacturing scales and all kinds of weighing instruments and



apparatus, and any and all machines, machinery, tools, implements, and other manufactures made in whole or in part from iron, brass, and other metals, and wood or other materials, and for buying and selling the same and carrying on such other business as shall be appropriate and necessary in connection therewith.

SEC. 2. Said corporation shall be located at Rutland, in the county of Rutland, where its principal office shall be kept and its corporation meetings held. It may as a partner unite with other partners in the United States and in foreign countries for the purpose of establishing and maintaining manufacturing and selling agencies, or branch houses, for the carrying on of the business of said corporation, upon such terms as shall be agreed on by the directors.

SEC. 3. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each. C. S. Sherman, J. W. Cramton, Chas. Dewey, E. Pierpoint, William G. Shaw, of the above named corporators are appointed commissioners to receive subscriptions to said capital stock, who shall give the notice in that behalf provided by chapter one hundred and fifty-two of the Revised Laws, and said corporation shall be subject in all respects to the provisions of said chapter.

SEC. 4. Said corporation may accept and receive a conveyance from the National bank of Rutland of all the property, rights, and interests embraced and described in the decree of foreclosure, which was obtained in favor of said bank against the Howe Scale Company at the September term, 1885, of the court of chancery in and for the county of Rutland; and in consideration therefor may issue to said bank and all other persons and corporations interested in said decree its full paid stock, *pro rata*, to the amount of the indebtedness of the Howe Scale Company to its creditors as secured by the mortgage on which said decree was based, which said mortgage is hereby ratified and confirmed upon conditions hereinafter stated; or said Howe Scale Company of 1886 may acquire by purchase or otherwise the said property, and all other property, rights, stock, and interests of the said Howe Scale Company upon such terms and conditions as may be agreed upon, and in consideration thereof may issue its full paid stock or its bonds secured by mortgage upon the franchises and real and personal property or both; and whenever said property, rights and interests shall be conveyed to said Howe Scale Company of 1886, the said company shall thereupon succeed to, own, and enjoy all and singular the real and personal property, franchise, patents and good-will of said former Howe Scale Company as held and enjoyed by said company under its charter, and as described in said decree; but said property and estate shall nevertheless be and remain subject to the mortgage to the Rutland Savings Bank, the mortgage to Newton Kellogg, and William R. Page, as trustees, and the mortgage and lien of John W. Cramton, John A. Sheldon and Rockwood Barrett, managers in possession, which were charged upon said property, or parts thereof in priority to the mortgage to said bank foreclosed by said decree; and said Howe Scale Company of 1886 may make such terms **Acts and Resolves 1886** for new securities for the adjustment and satisfaction of the claims of bondholders and others

interested in such prior mortgages or lien as may be agreed upon by and between the parties respectively and as their several interests may require, provided that the manufacturing business to be carried on under this charter, shall be carried on at Rutland, Vermont, upon the real estate and in the manufacturing establishment described in said decree, and shall not be moved therefrom to the prejudice of said persons interested in said prior mortgages and liens.

SEC. 5. Said corporation shall not mortgage its property or any part thereof unless stockholders owning two-thirds of the entire capital stock of the corporation shall consent thereto. It may increase its capital stock to an amount not exceeding one million dollars by vote of stockholders owning two-thirds of the entire capital stock outstanding at the time; and on the same condition may issue preferred stock if found expedient, to an amount not exceeding two hundred and fifty thousand dollars.

SEC. 6. This corporation shall be subject to the provisions of sections three thousand two hundred and eighty-three and three thousand two hundred and eighty-four of the Revised Laws.

SEC. 7. This act shall take effect from its passage.

Approved November 24, 1886.

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No. 158.—AN ACT IN AMENDMENT OF AN ACT ENTITLED  
“AN ACT TO INCORPORATE THE DELLWOOD CEMETERY ASSOCIATION,” APPROVED NOVEMBER 9, 1865.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section two of an act entitled “An act to incorporate the Dellwood Cemetery Association,” approved November 9, 1865, is hereby amended so as to read as follows:

“All the business and property of said association shall be managed by eleven trustees, five of whom shall form a board for the transaction of business; and shall appoint from their number a president, secretary, treasurer, and such other officers as they shall deem necessary for the best interests of said association; and in case of vacancy in said board of trustees by death, removal, resignation, or other cause, the same shall be filled by the remaining members of said board at any annual meeting or at a meeting called specially for that purpose; and eight of said board of trustees shall be residents of this State. Said trustees shall act without compensation, and shall have perpetual succession, by keeping their number full, as herein provided.”

SEC. 2. This act shall take effect from its passage.

Approved November 10, 1886.



SEC. 6. The directors of said corporation shall consist of at least five persons, who at the time of their election shall be stockholders of said corporation; and all meetings of the stockholders shall be in this State, and be called according to the by-laws of said corporation.

SEC. 7. Said corporation may locate said road on the route aforesaid, not exceeding six rods in width, and shall, by a certificate signed by the directors, designate the line of said road, and shall cause the same to be recorded in the town clerk's office of each of said towns, and may at any time make such alterations in the route as the directors may deem expedient, causing such alterations to be recorded as aforesaid.

SEC. 8. The company hereby incorporated shall have the right to connect their road with the roads of the St. Johnsbury and Lake Champlain Railroad Company and the Montpelier and Wells River Railroad, at such points and on such terms as may be mutually agreed upon between the directors of the connecting roads.

SEC. 9. The corporation hereby created shall have the right to lease its road to any corporation operating a connecting railroad, and may contract with any such corporation to build its road.

SEC. 10. If said corporation shall not within six years commence the survey of said railroad, and shall not within ten years commence the construction of said road and expend at least thirty thousand dollars thereon, and shall not in fifteen years complete and put in operation said railroad, then this act shall be null and void, except so far as said railroad is completed and put in operation.

SEC. 11. This act shall be deemed to be a public act, and shall be construed favorably and beneficially for all purposes for which the same is enacted, and shall be subject to any general law of the State respecting railroad corporations which is now in force or may hereafter be enacted, and all the general laws of the State relating to railroad corporations shall be deemed and taken to be a part of this act, and shall be under the control of the legislature to alter, amend, or repeal, as the public good shall require; provided that said corporation shall not be required to commence the construction except as it is mentioned in section ten.

SEC. 12. This act shall take effect from its passage.

Approved November 22, 1886.

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No. 183.—AN ACT IN ADDITION TO NUMBER ONE HUNDRED AND EIGHTY OF THE ACTS OF 1882.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Rutland and Tidewater Railroad Company, incorporated by number one hundred and eighty of the session laws



of 1832, is hereby allowed the further term of ten years beyond the term named in said act to commence the construction of said road and expend at least the sum of fifty thousand dollars, and the further term of fifteen years to complete and put in operation said road in the manner mentioned in section nine of said act.

SEC. 2. The first section of the act entitled "An act to incorporate the Rutland and Tidewater Railroad Company," approved November 18, 1832, is hereby amended so as to authorize the construction of the Rutland and Tidewater Railroad into or through the towns of Pittsford, Clarendon, Tinmouth, Middletown Springs, and Wells, in addition to the towns named in said section.

Approved November 22, 1886.

No. 184.—AN ACT AUTHORIZING THE ST. JOHNSBURY AND LAKE CHAMPLAIN RAILROAD COMPANY TO BUILD A BRANCH TO CONNECT WITH THE SOUTH EASTERN RAILROAD.

SECTION.

1. May build a branch to connect with the South Eastern Railroad; may increase its capital stock.

SECTION.

2. This act shall be void as to so much as is not built in ten years.
3. Act subject to amendment, etc.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The St. Johnsbury and Lake Champlain Railroad Company is hereby authorized and empowered to build and maintain a branch of its railroad, from the line of its present road in Johnson or Cambridge, in Lamoille county, or in Fletcher or Bakersfield, in Franklin county, to connect with the South Eastern Railroad at Richford, in Franklin county, through the towns of Waterville and Belvidere in Lamoille county, and the towns of Bakersfield, Enosburgh, Berkshire, Richford, Montgomery, and Avery's Gore, in Franklin, or such of them as may be found necessary, and said company may increase its capital stock to an amount necessary to build said branch of its road.

SEC. 2. This act shall become void, as to so much of said branch as shall not be built in ten years.

SEC. 3. This act shall be under the control of the legislature to alter, amend, or repeal, as the public good may require.

SEC. 4. This act shall take effect from its passage.

Approved November 18, 1886.

No. 185.—AN ACT RELATING TO THE RUTLAND AND  
WOODSTOCK RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. That the organization of the Rutland and Woodstock Railroad Company, and the last election of officers of said company, are hereby legalized and declared valid.

SEC. 2. This act shall take effect from its passage.

Approved November 23, 1886.

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No. 186.—AN ACT IN AMENDMENT OF THE CHARTER OF  
THE RUTLAND AND WOODSTOCK RAILROAD COM-  
PANY, APPROVED NOVEMBER 3, 1865.

*It is hereby enacted by the General Assembly of the State of Vermont :*

The first section of the act, entitled "An act to incorporate the Rutland and Woodstock Railroad Company," approved November 3, 1865, shall be so amended as to authorize the construction of the Rutland and Woodstock Railroad into or through the towns of Ludlow, in Windsor county, Mount Holly, Wallingford, and Clarendon, in Rutland county, in addition to the towns named in said section.

Approved November 22, 1886.

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No. 187.—AN ACT TO AUTHORIZE THE ST. JOHNSBURY  
AND LAKE CHAMPLAIN RAILROAD COMPANY TO  
HOLD AND OWN STOCK IN THE VERMONT STEAM-  
BOAT COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. The St. Johnsbury and Lake Champlain Railroad Company are authorized and empowered to subscribe for, hold, and own stock in the Vermont Steamboat Company.

SEC. 2. This act shall take effect from its passage.

Approved November 18, 1886.



exceeding three months at any one time, by a vote of the majority of the legal voters present, for the consideration or further consideration of accepting the provisions of this act, and whenever, whether at the first or at a subsequent meeting, the act shall be accepted, the voters present may proceed at once and at the same meeting to elect the officers of said corporation, for the year ensuing.

Approved November 22, 1886.

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No. 199.—AN ACT IN AMENDMENT OF, AND IN ADDITION TO, AN ACT ENTITLED "AN ACT TO CONSOLIDATE AND AMEND THE VARIOUS ACTS HERETOFORE PASSED CONCERNING THE VILLAGE OF RUTLAND," APPROVED NOVEMBER 24, 1882.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION I. Section two of said act is hereby amended so as to read as follows: "The village of Rutland is hereby divided into eight wards, the boundaries of each, respectively, shall be as follows:

"WARD ONE—Beginning at the intersection of the center line of Main street with the north line of said village, thence running westerly, on the north line of said village, two hundred and forty-six feet; thence southerly, in a line parallel with the center line of Main street, to the center line of Center street; thence easterly, on the center line of Center street, and in the same course continued to the east line of said village; thence northerly, on the east line of said village, to the northeast corner thereof, thence westerly, on the north line of said village, to the place of beginning.

"WARD TWO—Beginning in the center line of Center street, at the southwest corner of the first ward, as above defined; thence running southerly, in a line parallel with the center of Main street, to the south line of said village; thence easterly, on the south line of said village, to the southeast corner thereof; thence northerly, on the east line of said village, to the southeast corner of said first ward, as above defined; thence westerly, on the south line of said first ward, to the place of beginning.

"WARD THREE—Beginning at the center line of Washington street at its intersection with the west line of ward two, as above defined; thence westerly, with the center line of Washington street to the railroad track; thence southerly two hundred and eighty feet in a line with the center line of Franklin street; thence southerly, to the center line of Spruce street; thence southerly, on the center line of Spruce street to the village limits; thence easterly, on the said south line of the village, to the southwest corner of ward two, as



above defined; thence northerly, on the west line of ward two to the place of beginning.

“WARD FOUR—Beginning in the center line of West street at the west line of the first ward as defined; thence westerly, on the center line of West street to the center line of Merchants Row; thence southerly, on the center line of Merchants Row, to the northwest corner of the third ward, as defined; thence easterly, on the line of said third ward two hundred and eighty feet to the railroad track; thence easterly, on the north line of said third ward to the northeast corner thereof, in the west line of said second ward; thence northerly, on the west line of said second ward and the west line of said first ward to the place of beginning.

“WARD FIVE—Beginning at the intersection of the center line of West street with the west line of said first ward, as above defined; thence westerly, on the center line of West street to the center line of Grove street; thence northerly, on the center line of Grove street to the north line of the village; thence easterly, on the north line of the village, to the northwest corner of said first ward, as above defined; thence southerly, on the west line of said first ward to the place of beginning.

“WARD SIX—Beginning at a point on the center line of Grove street opposite the center line of State street; thence westerly, on the center line of State street, to the west line of the village; thence northerly, on the west line of said village to the north line of said village; thence easterly, on the north line of said village to the center line of Grove street; thence southerly, on the center line of Grove street, to the place of beginning.

“WARD SEVEN—Beginning at a point on the center line of Grove street opposite the center line of State street, thence westerly on the center line of State street to the west line of the village, thence southerly on the west line of the village to the northwest corner of the eighth ward, thence easterly on the north line of said eighth ward to the west line of Forest street, thence easterly on the center line of Franklin street to the northwest corner of the third ward, as defined, thence northerly on the west line of ward four and on the center line of Merchants Row and Grove streets to the place of beginning.

“WARD EIGHT—Beginning at the southwest corner of ward three, as defined, on the center line of Spruce street, and on the south line of said village, thence northerly on the center line of Spruce street to the northwest corner of ward three, thence westerly on the center line of Franklin street to the west line of Forest street, at a point two hundred feet south of the south line of Convent avenue, thence westerly on a line parallel with Convent avenue to the west line of said village, thence southerly on the west line of said village to the south line of said village, thence easterly, southerly, and easterly, on the south line of said village to the center line of Spruce street. The trustees may **Acts and Resolves 1886** in the year 1890 and in every fifth year thereafter, and shall make a certificate of all altera-

tions which they make, which certificate they shall cause to be recorded in the village records."

SEC. 2. Section three of said act is hereby amended by striking out the words "April," and inserting the word "March" instead thereof.

SEC. 3. Section four of said act is hereby amended by striking out the word "five" and inserting instead thereof the word "thirty."

SEC. 4. Section six of said act is hereby amended so as to read as follows:

"At every annual meeting of said village there shall be elected by ballot the following officers: A president of the village, eight trustees, a clerk, treasurer, collector, one auditor, water commissioners, chief engineer, first assistant engineer, and second assistant engineer. The trustees shall be elected one by each ward, and the trustee elected by a ward shall be a resident of that ward. The other officers shall be elected by the village at large, except as hereinafter provided."

SEC. 5. Section eight of said act is hereby amended by inserting after the word "annual" the words "or special."

SEC. 6. Section twelve of said act is hereby amended so as to read as follows:

"The trustees shall divide the check list of voters according to wards, and arrange the names of voters residing in each ward in an alphabetical list, which shall be the check list for such ward. The list for each ward shall be certified to by the president and clerk as the lists for such ward, and shall be kept at the polling place for trustee for such ward, and no person shall vote for trustee in a ward unless his name is on the check list for such ward. No person shall be entitled to have his name placed upon any ward check list unless he has resided in such ward for at least thirty days previous to the time of completing such check list."

SEC. 7. Section eighteen of said act is hereby amended so as to read as follows:

"By virtue of his office the president shall be a member of the board and president thereof, but shall not be entitled to vote except in case of a tie vote by the trustees. If the president approves of any vote or resolution of the board of trustees he shall sign the same, and the same shall be filed in the office of the clerk of the village, but if he does not approve the same, he shall file his objections thereto in the office of the clerk of said village within two weeks from the passage of said vote or resolution, and in that case the board of trustees at their next regular meeting shall reconsider such vote or resolution, and unless two-thirds of the whole number of said board of trustees vote in favor of the same it shall not take effect. If the president does not file objections to any vote or resolution of said trustees within two weeks after its passage, the same shall take effect without his approval."



SEC. 8. Section nineteen of said act is hereby amended so as to read as follows:

"The clerk shall keep a record of all the proceedings of the corporation and may certify copies of such records. He shall have the care and custody of the check lists and be responsible therefor, and shall also perform such other duties as are usually performed by clerks of villages."

SEC. 9. The president, street commissioner, and each of the trustees before entering upon their official duties, shall give a bond to the village, with the condition that they will faithfully perform and discharge their respective duties, the president and trustees in the penal sum of one thousand dollars each, and the street commissioner in the penal sum of two thousand dollars, with sufficient sureties to be approved by the judge of the probate court for the district of Rutland. And in case any such officer neglects, for one week after his election, to furnish such bond his office shall be vacant.

SEC. 10. Section twenty-one of said act is hereby amended so as to read as follows:

"The auditors shall audit all the accounts of the trustees, water commissioners and treasurer, and shall audit and allow only detailed and itemized statements and accounts, and no account shall be allowed by such auditors without the production of proper vouchers therefor."

SEC. 11. Section twenty-three of said act is hereby amended so as to read as follows:

"The trustees may appoint and remove at any time in their discretion, by vote of a majority of the said board of trustees, the following officers, causing a certificate of their appointment or removal to be filed and recorded in the office of the clerk of said village, viz.: A village attorney, one street commissioner, eight fire wardens, one from each ward, a chief of police, three police officers, and one health officer, all of whom shall hold their office for one year, or until removed by the said trustees. The said trustees may temporarily increase the number of police officers, and such temporary police officers shall hold their office until duly discharged. The trustees may also appoint special police officers, who shall serve one year or until discharged, without cost to the village."

SEC. 12. Section twenty-four of said act is hereby amended so as to read as follows:

"The compensation of the president and trustees shall be fifty dollars each per annum; that of the water commissioners, street commissioner, health officer, chief of police, and police officers, except those serving without cost, shall be fixed by the trustees, but the compensation of the water commissioners shall not exceed in the aggregate five hundred dollars for any year."

SEC. 13. Section twenty-seven of said act is hereby amended so as to read as follows:

"The police officers shall have the same powers in criminal matters within the limits of said village as constables, may serve any criminal



process within the limits of said village, and upon view of any offense committed against the laws of this State or the provisions of said act, may arrest the offender without process, and take him forthwith before any proper tribunal to answer a complaint therefor, and shall receive the same fees as constables. When any police officer, as aforesaid, shall arrest any person, he may retain him in safe custody not exceeding twenty-four hours, at the end of which time he shall be discharged, unless previously taken before some proper tribunal to answer for his offense; provided, however, that if such arrest shall be made between sunset on Saturday and noon of the following day, such offender may be kept in safe custody until nine o'clock in the forenoon of the next following Monday."

SEC. 14. Section forty-nine of said act is hereby amended so as to read as follows:

"Said trustees in making, altering, or repairing sidewalks, culverts, sewers, and drains, shall, on giving twelve days' notice to the parties interested of the time and place of hearing, assess the owner or owners of land or lands benefited thereby so much of the expense of making, altering, or repairing the same, as said trustees shall judge such lands to be benefited thereby."

SEC. 15. Section sixty of said act is hereby amended so as to read as follows:

"The judge of such municipal court shall be appointed by the governor of the State on the first day of April in each year, and shall hold his office until his successor is appointed. Said judge shall appoint and remove at pleasure a clerk of such court. The clerk of the court shall be the recording officer thereof, and shall furnish to any person, on demand and tender of the legal fees, certified copies of any of the records, proceedings, or minutes of such court under the seal thereof."

SEC. 16. Section eighty of said act is hereby amended so as to read as follows:

"The said village may at any annual meeting lay a tax on the polls of the inhabitants of said village, and the ratable estate within the same, whether of residents or non-residents, for any of the purposes hereinbefore mentioned, not to exceed thirty-five cents on the dollar of the grand list of said village, and the trustees shall make out a rate bill accordingly, and deliver the same to the collector, who shall have the same power to collect such tax as the collector of town taxes, and may in like manner sell property to satisfy the same, and for want thereof commit any person against whom he has such a tax to jail."

SEC. 17. Section eighty-one of said act is hereby amended by striking out the word "present," and inserting instead thereof the word "funded."

SEC. 18. There shall be three auditors, one to be elected by ballot as aforesaid, one to be appointed by the president of the board of trustees, and the other to be appointed by the chancellor of the board of chancery in the county of Rutland.

SEC. 19. The village attorney shall prosecute and defend, in behalf of the village, all suits in which the village is interested; he shall attend the meetings of the board of trustees, and be the legal adviser of said trustees and other village officers, in respect to all village matters; and he is authorized to file informations and complaints in the municipal court for violations of said act, or any of the by-laws or ordinances of said village, and to prosecute the same to final judgment, and execution.

SEC. 20. The financial year shall terminate on the last day of February in each year, at the termination of which the trustees shall stop all expenditures except the current expenses of said village.

SEC. 21. The trustees are hereby authorized to expend not to exceed five hundred dollars per annum for the support of an evening school in said village, which school, and the expenditure of said money, shall be under the control and management of the trustees of the Rutland graded school.

SEC. 22. The health officer shall have all the powers by law invested in selectmen of towns for the preservation of health, the abatement of nuisances, and the removal of other causes injuriously affecting health, and shall have power in times of epidemic, or threatened dangers to the public health, to adopt and enforce such sanitary measures and regulations as he shall deem fit; and any person who shall disobey any lawful order of such health officer shall be punished as provided by sections three thousand nine hundred and twenty-four and three thousand nine hundred and twenty-five of the Revised Laws.

SEC. 23. The village may make ordinances, in addition to those now authorized by law, to regulate the burial of the dead, the keeping, returning, and preserving statistics of deaths and burials; also the returning and keeping a record of all births and marriages; also to compel reports of contagious, infectious, and pestilential diseases from physicians, and to require the registration of all physicians or persons practicing medicine, surgery, or midwifery in said village.

SEC. 24. This act shall take effect from its passage.

Approved November 24, 1886.

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No. 200.—AN ACT TO ALTER THE BOUNDARIES OF THE VILLAGE OF WINDSOR.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The boundaries of the village of Windsor are hereby so altered as to include within its limits, only the following.



make out and deliver to the proper officers, tax bills for the collection of said tax in the month of January, 1887, or may draw the amount of such tax direct from the town treasury and such tax shall be collected and paid into the county treasury on or before the first day of June, 1887.

SEC. 3. This act shall take effect from its passage.

Approved November 22, 1886.

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No. 212.—AN ACT IN ADDITION TO NUMBER TWO HUNDRED AND SIXTY-FIVE OF THE ACTS OF 1884, ENTITLED AN ACT LAYING A TAX ON THE COUNTY OF RUTLAND.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The assistant judges of the county court in and for the county of Rutland, are hereby authorized and empowered to audit the accounts of Ebenezer J. Ormsbee, Rodney C. Abell, and Albert F. Davis, for personal services as commissioners appointed by section two of number two hundred and sixty-five of the acts of 1884, and to allow the same to an amount not exceeding three hundred dollars, and the county clerk of the county of Rutland is directed to draw orders upon the county treasurer of said county for the sums allowed said commissioners severally, to be paid by said treasurer out of any money not otherwise appropriated.

SEC. 2. This act shall take effect from its passage.

Approved November 19, 1886.

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No. 213.—AN ACT RELATING TO THE STATE LIBRARY ROOMS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The sergeant-at-arms shall provide and put in place in the new library room a second tier of iron book stacks, at an expense not exceeding four thousand dollars, and said sum is hereby appropriated therefor.

SEC. 2. The sergeant-at-arms may thereafter fit the old library room, by and with the advice and direction of the secretary of State and auditor of accounts, for such public use as they deem it may best be put to, at an expense not exceeding one thousand dollars and said sum is hereby appropriated therefor.



SEC. 3. The sergeant-at-arms shall heat such rooms of the new library building when the legislature is not in session as and when he shall find it necessary.

SEC. 4. The bills for expense incurred under this act shall be audited by the auditor of accounts and he shall draw proper orders therefor on the treasurer.

SEC. 5. This act shall take effect from its passage.

Approved November 23, 1886.

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NO. 214.—AN ACT APPROPRIATING A CERTAIN SUM FOR THE SOLDIERS' HOME OF VERMONT.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The sum of ten thousand dollars is hereby appropriated for the support of the Soldiers' Home for the years 1887 and 1888.

SEC. 2. The auditor of accounts is hereby directed to draw orders on the treasury of the State payable to the order of the treasurer of the Soldiers' Home, not to exceed in the aggregate the sum of ten thousand dollars, whenever the president and secretary of the Soldiers' Home shall certify in writing to the auditor of accounts, that two-thirds of the trustees of said home have voted to ask for such part of the sum appropriated by section one of this act.

Approved November 11, 1886.

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NO. 215.—AN ACT MAKING PROVISION FOR MONUMENTS AND GROUNDS ON THE BATTLE-FIELD OF GETTYSBURG.

SECTION.

1. Two thousand five hundred dollars appropriated for the purchase of lands, etc. Six thousand five hundred dollars appropriated for the purchase and erection of monuments.

SECTION.

2. Appropriation to be expended under direction of commission; commissioners, of whom to consist.  
3. Expenses of commission, how paid.  
4. Monuments, when to be completed.  
5. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated from the state treasury to be expended by the officers of the Gettysburg Battle-field Memorial Association, for the purchase

of lands of especial interest, construction of avenues and driveways, rebuilding and repair of earthworks, and otherwise caring for and beautifying the Gettysburg battle-field grounds.

And the further sum of six thousand five hundred dollars is hereby appropriated for the purpose of purchasing and erecting suitable monuments on or near such grounds, to commemorate and perpetuate the conspicuous valor and heroism of Vermont soldiers in that decisive battle-field of the war of the rebellion.

SEC. 2. Such appropriation shall be expended for the above purposes at the direction and under the control of a commission to consist of the governor of this State, and one member each from the regiments and the companies of sharpshooters present, to which shall be added three members from the State at large, all to be appointed by the governor.

SEC. 3. The necessary expenses incurred by the commission in carrying out the provisions of the act shall be paid out of the appropriation provided in section one, and the state treasurer is hereby directed to pay said sums upon the order of the governor.

SEC. 4. Said monuments shall be completed and erected on or before the first day of October, 1888.

SEC. 5. This act shall take effect from its passage.

Approved November 13, 1886.

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No. 216.—AN ACT TO PROVIDE FOR THE ERECTION OF  
A MONUMENT TO THE MEMORY OF GENERAL STANNARD.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The sum of five hundred dollars is hereby appropriated to erect a suitable monument at the grave of the late General George J. Stannard, in Burlington, Vermont.

SEC. 2. Edward H. Ripley, William W. Henry, and T. S. Peck are hereby appointed trustees to carry out the provisions of this act; and the auditor of accounts is hereby directed to draw his order on the state treasurer for said sum of five hundred dollars in favor of said trustees, whenever they shall make application for the same.

Approved November 23, 1886.



No. 228.—AN ACT TO AMEND SECTION TEN OF NUMBER TWO HUNDRED AND THIRTY-NINE OF THE ACTS OF 1884.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section ten of act number two hundred and thirty-nine of the acts of 1884, is hereby amended by striking out the words "November first" and inserting in lieu thereof, the words "December first."

SEC. 2. This act shall take effect from its passage.

Approved November 2, 1886.

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No. 229.—AN ACT TO AUTHORIZE THE TUTTLE COMPANY TO REPUBLISH CERTAIN VERMONT REPORTS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Tuttle Company, a corporation, located and doing business at Rutland, in the county of Rutland, are hereby authorized to include in their publication of their Lawyer's Ready Reference Series of the Vermont Reports, any and all volumes of the Vermont Reports of which the State holds the copyright; and may use for that purpose any and all head notes, statements of cases and indices, as well as the opinions of the judges contained therein. Provided, that said Tuttle Company shall furnish the state library, free of charge, one copy of each volume of said Lawyer's Ready Reference Series as fast as published.

Approved November 23, 1886.

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No. 230.—AN ACT GRANTING A PENSION TO PETER LANDER.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The auditor of accounts is hereby directed to draw an order on the treasurer of the State on the first day of January, April, July, and October of each year, during the life of Peter Lander, of Burlington, for the sum of ~~one thousand~~ <sup>five hundred</sup> dollars, in favor of said Peter Lander, who, without any fault of his own, lost his right arm at said Burlington, on the thirtieth day of July, 1869, while as a



member of the First Section, Light Battery, National Guard of Vermont, he was acting under orders from his superior officers, engaged in firing a salute in honor of General Sheridan, on the occasion of his visit to Vermont.

SEC. 2. This act shall take effect from its passage.

Approved November 19, 1886.

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No. 231.—AN ACT IN AMENDMENT OF SECTION ONE OF NUMBER TWO HUNDRED AND FORTY-FIVE OF THE LAWS OF 1884, ENTITLED "AN ACT FOR THE PROTECTION OF FISH IN LAKE BOMOSEEN AND INMAN POND."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section one of act number two hundred and forty-five of the laws of 1884, entitled "An act for the protection of fish in Lake Bomoseen and Inman pond," is hereby amended so as to read as follows:

"It shall not be lawful for any person to fish in the waters of Lake Bomoseen in the towns of Castleton and Hubbardton, or in Inman pond in the town of Fair Haven, or in Sunset lake in the town of Benson, by the use of any seines, nets, spears, explosives, dead-lines, or lines strung with hooks, or other devices for entrapping, ensnaring, or killing fish. Any person who violates the provisions of this act shall forfeit and pay a fine of ten dollars for each fish so illegally taken.

SEC. 2. This act shall take effect from its passage.

Approved November 23, 1886.

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No. 232.—AN ACT FOR THE FURTHER PROTECTION OF FISH IN THE WATERS OF LAKE BOMOSEEN IN THE TOWNS OF HUBBARDTON AND CASTLETON.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. It shall not be lawful for a person to catch fish in the waters of Lake Bomoseen in the towns of Castleton and Hubbardton north of a line across said lake ten rods south of and

parallel with the south side of the "Johnson bridge" so-called, by the use of any hook and line, or hooks, from the first day of March to the twentieth day of June in any year. A person who violates the provisions of this act, shall forfeit ten dollars for each fish so illegally caught, to be recovered in an action on the case founded on this statute, one-half to be paid to the treasury of the town where the complaint is made, and one-half to the informer and prosecutor.

SEC. 2. This act shall take effect from its passage.

Approved November 20, 1886.

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No. 233.—AN ACT TO PREVENT FISHING IN THE WATERS OF LAKE SEYMOUR, IN THE TOWN OF MORGAN, FOR THE PERIOD OF THREE YEARS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. It shall not be lawful for any person to catch, carry away, or destroy fish in the waters of Lake Seymour, in the town of Morgan, by the use of any seines, nets, spears, set-lines, or other device for entrapping or ensnaring fish, for a period of three years next after the passage of this act, in order to enable said waters to become restocked. Each person so offending shall, for each fish so illegally caught, forfeit and pay a fine of ten dollars to the treasurer of the town of Morgan, with costs of prosecution, to be recovered in an action in the name of the treasurer of said town, before any justice of the peace having jurisdiction of the same.

SEC. 2. A person found on the waters of Lake Seymour, or the shores thereof, in possession of any seines, nets, spears, set-lines, or other device for entrapping or ensnaring fish, it shall be taken as *prima facie* evidence of the willful intent of such person to violate the provision of section one of this act, and such person so found shall be punished by a fine not exceeding ten dollars.

SEC. 3. Any fish warden or constable in said town of Morgan, and any sheriff or deputy sheriff, may arrest, on view, and without warrant, any person found violating any provisions of this act, and immediately thereafter take such person before the proper authority or magistrate, and cause him to be prosecuted therefor.

SEC. 4. Any person may sue for and prosecute to final judgment, any breach of this act, in his own name, and upon the recovery thereof, one-half of the penalty shall belong to the prosecutor and the other half thereof to said town of Morgan.

SEC. 5. This act shall take effect from its passage.

Approved November 22, 1886.



# ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

# STATE OF VERMONT,

AT THE

TENTH BIENNIAL SESSION, 1888.



PUBLISHED BY AUTHORITY.

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**Acts and Resolves 1888**  
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during the whole term of the present Legislature, shall be two dollars and fifty cents per day.

JOSIAH GROUT,

*Speaker of the House of Representatives.*

URBAN A. WOODBURY,

*President of the Senate.*

Approved November 27, 1888.

WILLIAM P. DILLINGHAM,

*Governor.*

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No. 180.—JOINT RESOLUTION PERTAINING TO THE  
CLAIMS OF THE ST. REGIS INDIANS.

*Whereas*, A memorial has been presented to this General Assembly by the St. Regis band of the Mohawk tribe of Iriquois indians residing in the village of St. Regis, in the town of Bombay in the county of Franklin, in the State of New York, renewing and repeating an ancient claim, first made by the Cognawagah and other tribes of Canadian indians in 1798, to the ownership of, and to the payment for, about two million acres of the land of north-western Vermont, which said claim has been many times repeated, and as often as made respectfully entertained, inquired into, and rejected by the Legislature; now therefore, be it

*Resolved by the Senate and House of Representatives:*

That the said memorialists have leave and be respectfully requested to withdraw said memorial.

That it is the judgment of this body that it is not to the interest or advantage of the memorialists to renew or repeat this their ancient and oft-rejected claim, and we believe the General Assembly ought not to receive or entertain any further application or memorial pertaining to said claim.

URBAN A. WOODBURY,

*President of the Senate.*

JOSIAH GROUT,

*Speaker of the House of Representatives.*

dollars and may be increased from time to time as the business of the exchange may require, to a sum not exceeding twenty-five thousand dollars by a vote of two-thirds of the stockholders at any meeting regularly called for that purpose; and such capital stock shall be divided into shares of five dollars each, and each shareholder shall be entitled to one vote at all meetings and elections of officers of such corporation; but the shares of such stock shall not be assessed, in all more than five dollars each.

SEC. 2. This act shall take effect from its passage.

Approved November 8, 1888.

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No. 186.—AN ACT IN ADDITION TO AN ACT INCORPORATING THE RUTLAND MISSIONARY ASSOCIATION, APPROVED NOVEMBER 2, 1866.

SECTION.

1. Powers; by-laws.
2. Right to hold and dispose of property.
3. Officers.

SECTION.

4. Subject to future legislation; to take effect from its passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The said Rutland Missionary Association are hereby authorized and empowered to establish and maintain a home for aged and indigent women at Rutland, in the county of Rutland, and may make and carry into effect all such rules, regulations and by-laws as said missionary association shall deem necessary and proper for the admission and discharge of the inmates of said home and for the management of its affairs.

SEC. 2. The said missionary association may purchase, receive, take, and hold by gift, grant, devise or bequest, any real or personal property for the use and purpose of establishing and maintaining said home, and may sell and dispose of said property acquired by it as aforesaid, and as may from time to time be deemed necessary by said missionary association.

SEC. 3. The said missionary association shall have power to appoint such officers and managers of said home as from time to time it shall deem necessary and proper, fix their terms of office, and prescribe their duties; and shall also have power to remove them, and to fill all vacancies which may occur by death, removal, or otherwise.

SEC. 4. This act shall be subject to the control of the Legislature to alter, amend, or repeal, as the public good may require, and shall take effect from its passage.

Approved October 30, 1888.



in trust agreeably to the terms of any devise, bequest, or donation, or vote of the town or village of Brandon, with all the privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporation.

SEC. 2. Said corporation may make by-laws not inconsistent with the laws of this State, for its government, and for the election and admission of associates, and shall annually elect a board of trustees not exceeding ten in number to manage and control the affairs and concerns of said association, and the trustees are authorized to appoint such officers and agents as shall be necessary.

SEC. 3. Said corporation may hold real and personal property for the purpose herein mentioned, to an amount not exceeding thirty thousand dollars, exclusive of books in its library.

SEC. 4. The first meeting of said corporation may be held at such time and place as may be designated by any three of the corporators, by their giving notice to the other corporators by publication in the Brandon Union at least one week previous to the time appointed.

SEC. 5. This act shall take effect from its passage.

Approved November 16, 1888.

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NO. 198.—AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT TO INCORPORATE THE SHELDON MARBLE COMPANY," APPROVED NOVEMBER 28, 1882.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. Section three of an act entitled "An act to incorporate the Sheldon Marble Company," approved November 28, 1882, is hereby amended so as to read as follows :

"The capital stock of said corporation shall be three hundred thousand dollars, and may be increased from time to time whenever two-thirds in interest of the stockholders shall by vote decide so to do ; and on the same condition preferred stock may be issued, if found expedient, to an amount not exceeding one-half its capital paid in ; and all stock issued by said corporation shall be deemed and taken to be full paid stock, and shall not be liable to assessment."

SEC. 2. This act shall take effect from its passage.

Approved October 30, 1888.



insane person, without the State, or otherwise incapacitated to sell, convey, or contract, said corporation, or the owner or owners interested in lands so entered upon, may apply to the judges of the county court for the county of Washington, by petition, who shall, if they find such entry necessary, appoint forthwith three disinterested persons to view the premises and assess the damages sustained by the owners or occupants of said lands by the construction of said aqueduct, and said committee shall appraise such damages on oath, and report the same to the county court for the county of Washington, at its first session thereafter; and if their report shall be accepted by said court, the court shall render judgment thereon, and may issue an execution therefor with costs; and in such case of disagreement and appraisal, said corporation shall make no entry upon the lands so appraised until payment or tender of the amount of damages assessed as aforesaid.

SEC. 6. Any person who shall maliciously disturb or injure said aqueduct, springs, or reservoirs, or any enclosure of the same, shall be liable to prosecution by complaint, information, or indictment, and on conviction shall be fined not less than five nor more than twenty dollars and costs of prosecution, and shall be further liable to said corporation for all damages thereby sustained.

SEC. 7. This act shall be subject to the provisions of chapter one hundred and fifty-two of the Revised Laws of Vermont, entitled "of private corporations," and may be altered, amended, or repealed as the public good may require.

SEC. 8. This act shall take effect from its passage.

Approved November 26, 1888.

## No. 230.—AN ACT TO INCORPORATE THE WEST RUTLAND AQUEDUCT COMPANY.

### SECTION.

1. Corporators; name; purposes.
2. Capital stock.
3. Commissioners; first meeting; directors; officers; by-laws.
4. When may commence business; liability of stockholders and directors.

### SECTION.

5. Powers.
6. Rights of way, etc., to be recorded.
7. Proceedings in taking lands, etc.
8. May borrow money and issue bonds.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. William K. Sheldon, John O'Rourke, Thomas Lynch, F. A. Morse, J. D. Hanrahan and Joseph M. Davis, their associates and successors are hereby constituted a body corporate by the name of the West Rutland Aqueduct Company, for the purpose of erecting, maintaining and furnishing a dam, reservoir and water

works, to convey water for use in dwellings, shops, stores, factories, mills, offices, barns, street hydrants, for fire and other purposes in the town of West Rutland, and by that name may sue and be sued, may acquire, purchase and hold real and personal property not exceeding fifty thousand dollars in value, may have a corporate seal and may have all the powers and privileges and shall be subject to all the duties and liabilities of the general laws regulating such corporations.

SEC. 2. The capital stock of said company shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, which may be increased from time to time to such an amount not exceeding fifty thousand dollars as shall be necessary to complete the works of said company and furnish the same with all necessary buildings, furniture, machinery and equipment, and meet the requirements of the business of said company, together with all rights incident to corporations.

SEC. 3. The persons named in the first section of this act shall be commissioners to receive subscriptions to the capital stock of said company, and may themselves subscribe thereto; they shall open the books for subscriptions at such time and place as they or a majority of them may designate, giving ten days' notice in the "Rutland Daily Herald."

As soon as one hundred and fifty shares of said capital stock shall have been subscribed for, said commissioners shall cause notice to be given to the subscribers, of a meeting for the election of directors, which notice shall be given by mailing a copy thereof to each subscriber, signed by the chairman of said board of commissioners, stating the time and place of said meeting, at the time and place so designated, the subscribers then assembled shall organize said corporation by electing not less than three directors, who shall hold their office for one year and until others are elected, and who shall be stockholders in said company.

The directors so elected shall thereupon elect one of their number president of said company, and shall appoint a treasurer and a clerk, and may appoint such other officers and agents as may be required for the transaction of said business; and may make such rules, regulations and by-laws for the management of the business of said company as they may deem best, consistent with the laws of this State; and after said company is organized all further subscription to the capital stock shall be under the control of the board of directors of said company.

SEC. 4. Said company shall not contract debts nor commence active business operations of said company until fifteen thousand dollars of its capital stock shall have been subscribed for, and at least fifty per cent of the same is paid in, and if at any time said corporation shall contract debts exceeding in amount three-fourths of the amount of the paid up capital stock, the directors and stockholders shall be each individually liable.

SEC. 5. Said corporation may for the purposes set forth in this



act, take by purchase or otherwise the waters from any spring or springs, pond, brook or streams within the town of West Rutland, or the waters from any stream or streams, ponds, brook or streams flowing or emptying into any of said first described spring or springs, pond, brook or streams, or so much of the above mentioned waters as may be necessary for supplying said town for the purposes named in section one of this act; and may also take by purchase or otherwise the water rights connected with such water sources; and also all the lands, rights of way, and easements necessary for the holding and preserving of such water and for increasing its supply and preserving its purity and for conveying and distributing the same, to any part of said town, and may erect or cause to be erected on the lands thus taken or held proper dams, buildings, fixtures and other structures and provide for such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes, and other works under and over any dam, water courses, railroads and other public and private ways and along any such ways in such manner as not unnecessarily to obstruct the same, and for the purpose of constructing and maintaining and keeping in repair such conduits, pipes, and other works and for all proper purposes of this act, said corporation may dig up any such lands and may enter upon and dig up such ways in such manner as to cause the least hindrance to the public travel on such ways, but such ways shall be put by said corporation in as good condition as before.

SEC. 6. Said corporation shall within sixty days after taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the town clerks' office of said West Rutland description thereof sufficiently accurate for identification with a statement of the purposes for which the same were taken and the amount of damages awarded or tendered for such taking, signed by the president of said corporation.

SEC. 7. Said corporation, before entering upon any lands or taking any springs, waters, water-rights, rights of way, or easements as aforesaid, otherwise than by purchase or agreement with the owner or owners thereof, shall apply by petition to the Rutland county court or to the assistant judges of said county court for an assessment and award of damages of such proposed entry or taking, which said petition with a notice of the time and place of hearing thereon by said court or judges shall be served upon the owner or owners of said lands, springs, waters, water-rights, rights of way or easements, by copy at least six days before the time set for hearing. And the said court or judges shall appoint three disinterested commissioners to view the premises, to decide upon the necessity and propriety of taking said lands, springs, waters, water-rights, rights of way or easements, and assess the damages, who shall give notice to the parties of the time when they will make their investigation and the time and place and when and where they will hear the



parties; and on the report of said commissioners the court or judges shall take such action as they may deem proper; and if the tribunal applied to is the said court, judgment shall be rendered on the report and execution shall be issued in the usual way for any damages or costs that may be awarded by the court. But if application is made to the assistant judges of the county court as aforesaid, their approval of and decision upon the report of the commissioners shall be made to Rutland county court which shall have the same powers as when the commissioners were appointed by the judges.

SEC. 8. Said company shall have power to borrow money, and issue its bonds therefor at a rate not exceeding eight per cent, and may mortgage its property to secure the payment of the same, to an amount not exceeding, including its other indebtedness, three-fourths of the amount of its capital stock actually paid in.

Approved November 27, 1888.

## No. 231.—AN ACT TO INCORPORATE THE CHESTNUT HILL RESERVOIR COMPANY.

### SECTION

1. Corporators; name; powers.
2. First meeting; by-laws; capital stock; proceedings in case of disagreement as to water rent.
3. Rights in streets and highways.
4. Penalty for disturbance of rights.
5. Powers.
6. Corporate seal.

### SECTION

7. Subject to existing laws and future legislation.
8. Power to contract debts; liability of directors.
9. Town and village of Brattleboro authorized to contract with company.
10. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. George E. Crowell, George S. Dowley, E. P. Carpenter, Charles H. Davenport, Warren E. Eason, E. W. Stoddard, B. D. Harris, E. C. Crosby, their associates and successors are hereby constituted a corporate body by the name of the Chestnut Hill Reservoir Company, with all the rights and powers incident to corporations, and may hold real and personal estate not exceeding two hundred and fifty thousand dollars for the purpose of furnishing the inhabitants of the town and village of Brattleboro with water for domestic and other purposes.

SEC. 2. Any three of said incorporators may call the first meeting of the corporation, to be held in the village of Brattleboro, at such time and place as they shall appoint, by publishing a notice thereof in a newspaper printed in said Brattleboro at least seven days prior to said meeting, for the purpose of choosing such officers as may be deemed necessary, and said corporation at any meeting legally warned may make, alter and repeal such by-laws, rules and regulations as may be deemed necessary, not repugnant to the laws of this State, and may fix the amount of their capital stock, divide

No. 246.—AN ACT TO AMEND AN ACT INCORPORATING THE VILLAGE OF MONTPELIER, APPROVED NOVEMBER 14, 1855.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. Section six of an act entitled "An act to incorporate the village of Montpelier," approved November 14th, 1855, is hereby amended by adding thereto the following words:

"It shall be the duty of said bailiffs, or a majority of them, to call a special meeting of said corporation, upon the application in writing of thirty legal voters of said village. And if said bailiffs, or a majority of them, shall neglect or refuse so to do, within ten days of the receipt of said application by any of them, they shall be severally liable to a penalty of fifty dollars, to be recovered in an action on the case, in the name of said village and to be payable into the treasury thereof."

SEC. 2. This act shall take effect from its passage.

Approved November 24, 1888.

No. 247.—AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CONSOLIDATE AND AMEND THE VARIOUS ACTS HERETOFORE PASSED CONCERNING THE VILLAGE OF RUTLAND," APPROVED NOVEMBER 24, 1882.

SECTION.

1. Voters.
2. Terms of office of officers.
3. Check list.
4. Certain sections of act repealed.
5. Ballot boxes.
6. Check lists in wards.
7. Inspectors of election.
8. Counting of votes.

SECTION.

9. Clerk's bonds; his duties.
10. Police and other officers;
11. Official term of officers; compensation of officers.
12. Powers of police officers.
13. Construction of sewers, etc.
14. Ordinances, by-laws, etc.
15. Breaches of by-laws, ordinances, etc.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. Section five of said act is hereby amended so as to read as follows:

Male citizens, twenty-one years of age, whose lists are taken in said village at the annual assessment as of the first day of April, in any year, or who, though residing therein, are exempt from taxation at the time of such assessment for any cause, shall while residing in said village, be voters in all village meetings until the first day of the next April.



SEC. 2. Section seven of said act is hereby amended so as to read as follows :

The term of office of each officer mentioned in the preceding section, elected at the annual meeting, shall begin on the first day of April following his election, if the same shall occur before April first in the then current year, otherwise on the day following such election ; and except in the case of water commissioner, shall continue until the first day of the next April, and thereafter until his successor shall be elected and duly qualified. The term of office of a water commissioner elected at the annual meeting, shall continue for three years from the first day of April, in the then current year, and thereafter until his successor shall be elected and duly qualified.

SEC. 3. Section eight of said act is hereby amended so as to read as follows :

The trustees shall, previous to every annual village meeting, and to every special meeting at which any officers are to be elected, any taxes to be raised, or any money to be appropriated, prepare an alphabetical list of the persons qualified to vote in such meeting, in the same manner, and subject to the same provisions in respect to correction and use in all respects, as are enacted in chapter six of the Revised Laws, and in the other general statutes of this State concerning a check list of voters for use in freemen's meetings ; and the said trustees shall have the same powers and duties in respect thereto as are by said general laws conferred upon the selectmen and on the boards of civil authority of towns. No name which is upon the check list when the copies thereof are posted shall afterwards be stricken therefrom without notice to the voter, if he be in the town, given in the manner of the service of a writ of summons ; or upon the affidavit of a credible person that he has ceased to be a legal voter by removal from said village, or by death, or otherwise.

If any trustee, or other person, shall knowingly erase the name of any voter entitled to vote at any such village meeting, from such check list after the same has been posted, as provided by law, without complying with this section, and shall thereby prevent such legal voter from voting, he shall be guilty of a misdemeanor and shall be fined not less than five dollars nor more than twenty dollars, to be recovered by a prosecution in the name of the State of Vermont, but the penalty shall go into the treasury of said village.

SEC. 4. Sections *nine* and *ten* of said act are hereby repealed.

SEC. 5. Section eleven of said act is hereby amended so as to read as follows :

The trustees shall direct the opening, in the room where an election or village meeting is held, of one or more sets of ballot boxes, for receiving votes for all the officers to be elected, for each ward into which the village is then divided. The number of the ward shall be distinctly marked on each box and elsewhere ; and the boxes shall be so located as best to accommodate the voters.



SEC. 6. Section twelve of said act is hereby amended so as to read as follows:

The trustees shall divide the check list of voters according to wards, and shall arrange the names of the voters in each ward in an alphabetical list, which shall be the check list for such ward for all purposes. The check list for each ward shall be certified to by the president and clerk as the list for each ward respectively and kept at the polling place for such ward; and no person shall vote for any village officer unless his name is on such check list. All persons who are legal voters in village meetings during the year shall be entitled to have their names registered in the ward wherein they resided on the first day of April previous to the time of holding the meeting, and shall be entitled to vote in such ward during the year, if they continue to reside in the village.

SEC. 7. Section thirteen of said act is hereby amended so as to read as follows:

There shall also be chosen by ballot, at each annual village meeting, by the voters of each ward, two inspectors of elections. But each voter may vote for only one such inspector; and the two persons residing in each ward, having the largest number of votes therein for such inspector, shall be the inspectors of all elections held in said village meetings, from the close of the meeting at which they are elected until the close of the next annual village meeting. But, at the annual meeting in March, 1889, said inspectors shall be appointed by the president and clerk of said village, as provided by existing law.

The inspectors of elections in each ward, assisted by one or more of the trustees, who shall not be residents of the ward, shall receive all votes cast in such ward for all offices, and shall check the names of all persons voting upon the check list of such voting place.

SEC. 8. Section fifteen of said act is hereby amended so as to read as follows:

On closing the boxes, as above required, the president of the village, the clerk, and the inspectors of elections, shall proceed to sort and count the votes thus given, and shall make a list of the persons voted for, and the number of votes cast for each respectively; which list shall be certified and signed by such president and clerk, and recorded by the clerk in the records of said village; and the persons having the greatest number of votes for said offices respectively shall be deemed to be elected thereto, and shall be declared so elected by the president. In case of a tie vote for trustee in any ward, the presiding officer shall so inform the meeting, and another balloting shall be had by the voters of such ward, a reasonable time being given for receiving and counting the votes.

SEC. 9. Section nineteen of said act is hereby amended so as to read as follows:

The clerk, before entering on the duties of his office, shall give bonds for the faithful performance of his duties, in the sum of one thousand dollars, shall keep a true record of all the proceedings of

the corporation and of its board of trustees; may certify copies of all his records, with the same force and effect as the certificates of town clerks; shall have the care and custody of the check lists, and shall be responsible therefor; and shall perform such other duties as he may be required to perform by the said village, or by the trustees acting under the authority of said village, or by the laws of this State.

SEC. 10. Section twenty-three of said act is hereby amended so as to read as follows:

As soon as possible after the first day of April, in each year, the board of trustees shall appoint by the votes of a majority of all the trustees elected, one chief of police, not more than three other police officers to be employed at the expense of the village, as many special police officers to be paid by individuals, as may be necessary; an attorney; a health officer; a street commissioner; one fire warden for each ward; and one auditor. They may also temporarily increase the number of village police officers for special occasions.

SEC. 11. Section twenty-four of said act is hereby amended so as to read as follows:

The official terms of all officers appointed by the board of trustees shall begin at the time of their acceptance of their offices, and due qualification, and shall continue until they shall be removed by said board, or until their successors shall have qualified in their steads; or until such time as their appointments shall expire by their own limitation.

No person shall hold more than one office at the same time under authority of said village.

The compensation of the president and trustees shall be fifty dollars each, *per annum*; that of the auditors shall be twenty dollars each, *per annum*; that of the water commissioners, clerk, street commissioner, health officer, village attorney, chief of police, and other police officers (except those serving without cost to the village), shall be fixed by the board of trustees; but the compensation of the water commissioners shall not exceed in the aggregate five hundred dollars for any one year.

SEC. 12. Section twenty-seven of said act is hereby amended so as to read as follows:

The police officers shall have the same powers in criminal matters within the limits of said village as constables; may serve any criminal process within the limits of said village; and upon view of any offense committed against the ordinances or by laws of said village when the same amounts to a breach of public good order and quiet, as by fast driving, undue crowding in public places, and the like, or upon view of any offense committed against the laws of this State, may arrest the offender without process, and forthwith take him before any proper tribunal to answer a complaint or action therefor, and shall receive the same fees as constables.

When any police officer, as the constable, shall so arrest any person without process, and by reason of the hour or otherwise, it is un-



reasonable for the officer to take him forthwith before such tribunal, and said officer has good reason to believe and does believe that such person will abscond, or will not be found to answer a complaint or action for such offense, the officer may detain him in safe custody for such time as may be necessary for the procuring of proper papers and his arrest thereon; not in any event exceeding twenty-four hours, unless the arrest shall have been made after sunset on a Saturday and before noon on the following day, when such person may be held in such custody until ten o'clock on the next Monday forenoon.

SEC. 13. Section forty-eight of said act is hereby amended so as to read as follows:

When authorized by vote of the village at any legal meeting duly warned for the purpose, the board of trustees may construct sewers and drains within the limits of the village and for such distances outside the village as may be necessary to afford outlet for sewers draining parts of the village; and for such purposes may enter upon the lands of any person, and may lay, make, and maintain sewers and drains through such lands, and may repair the same when necessary, upon payment or tender of payment of such compensation for the damages thereby sustained, as the said trustees shall award to such land-owners, or to any tenant, or occupant of such land.

If such land-owner, tenant, occupant, or other person entitled to compensation does not reside in the town of Rutland, and has an authorized agent or attorney, such payment or tender may be made to such agent or attorney.

SEC. 14. In addition to the by-laws authorized by section fifty-five said village shall have power to make, establish, alter, amend or repeal, an ordinance, regulation or by-law for the following purpose:

Twenty-fifth. To regulate the opening and closing of places of business on the first day of the week.

SEC. 15. Section fifty-seven of said act and section one of act number two hundred and eleven of the acts of 1884 are hereby amended so as to read as follows:

Said village may impose a fine, penalty, or forfeiture, not exceeding one hundred dollars, for the breach of any by-law, rule, or ordinance, which fine, penalty, or forfeiture may be recovered in an action on the case in the name of said village, prosecuted by the village attorney, in which action it shall be sufficient to declare, generally, that the defendant is guilty of a breach or violation of a particular by-law, rule, or ordinance, and setting forth substantially the manner of such breach or violation; and under such a declaration the special matter may be given in evidence; and the court shall impose full costs in favor of said village, in case the defendant is found guilty, and when it has been necessary for the said village to abate a nuisance for the commission or sufferance of which such action was brought, or when the court shall itself order such nui-

sance abated, the expense of such abatement shall be imposed upon the defendant, as damages, in addition to such fine and costs.

In all actions for the breach of any by-law, rule, or ordinance, imposing a penalty or forfeiture, the mesne and final process may issue against the body of the defendant in the usual form of law, and the court before which such action is tried may render thereon such judgments and may issue such certificates, as in other actions of tort and with like force and effect.

Approved November 21, 1888.

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NO. 248.—AN ACT TO AMEND NUMBER TWO HUNDRED AND THIRTY-SEVEN OF THE ACTS OF 1886, EMPOWERING THE VILLAGE OF BARTON TO BRING WATER INTO SAID VILLAGE AND TO ISSUE BONDS THEREFOR.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. Act number two hundred and thirty-seven of the laws of 1886 is hereby amended so as to read as follows :

In section four of said act, the word "ten" is hereby amended so as to read "twenty." After the word "dollars" in the third line of said section, the following words shall be added : "For the purpose of supplying itself with water."

SEC. 2. Section five of said act is hereby amended so as to read as follows :

"At the next annual meeting, or at any subsequent meeting of said village, three water commissioners shall be chosen, whose duties it shall be to have general control and management of the village system of water works. Said commissioners, except first two chosen, shall hold office three years, but the term of office for the first chosen shall be one year, for the second, two years. Thereafter one commissioner shall be chosen annually to hold office three years. Vacancies in the office of water commissioners shall be filled by the trustees of said village, but officers so chosen shall hold office only until the next annual election of officers for said village.

SEC. 3. This act shall take effect from its passage.

Approved November 15, 1888.



No. 253.—AN ACT TO AMEND NUMBER TWO HUNDRED AND TWENTY-TWO OF THE ACTS OF 1884, ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF PROCTOR."

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. Section eighteen of act number two hundred and twenty-two of the laws of 1884, entitled "An act to incorporate the village of Proctor," is hereby amended so as to read as follows: "The territory embraced within the limits of said village shall constitute a highway district of the town of Proctor, and the highway taxes shall be assessed upon the polls and ratable estate of said village, by the trustees of said village, and shall be paid in money to the treasurer of said village, at the rate required by law to be paid when a town votes to have the highway tax paid in money. The highway money so collected shall be paid, worked out and expended on the highways in said village under the direction and control of the trustees; provided, however, that the trustees may, in their discretion, pay over any portion of the same to the selectmen of the town of Proctor, to be by them expended upon the highways of said town outside of the limits of said village. Said village may vote such further sum as may be deemed expedient, to be used and expended by the trustees in building, constructing, maintaining and repairing the streets, highways, walks, alleys, sewers and lanes of said village, and no surveyor of said highway district shall be required or chosen by said town."

SEC. 2. This act shall take effect from its passage.

Approved November 8, 1888.

No. 254.—AN ACT IN AMENDMENT OF AND IN ADDITION TO NUMBER TWO HUNDRED AND FIFTY-NINE OF THE ACTS OF 1872, ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF RICHFORD."

SECTION.

1. Water supply.
2. Construction of aqueduct, etc.
3. Damages for water or land taken.
4. Proceedings in case of dissatisfaction with award of damages.
5. By-laws and regulations.
6. May lease or dispose of rights and privileges granted.
7. May issue bonds and assess taxes to pay same.

SECTION.

8. Water commissioners; their terms of office.
9. Electric lighting.
10. May purchase electric light plant and issue bonds to pay therefor.
11. Penalty for disturbance of rights.
12. Village authorized to make gift or loan for purposes herein specified and issue its bonds.
13. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. The second section of number two hundred and fifty-

No. 261.—AN ACT APPROPRIATING A CERTAIN SUM FOR  
THE SUPPORT OF THE SOLDIERS' HOME.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated for the support of the Soldiers' Home for the years 1889 and 1890, and the auditor of accounts is hereby directed to draw orders on the treasurer of the State payable to the order of the treasurer of the Soldiers' Home not to exceed the above amount, whenever the president of the Soldiers' Home shall certify in writing to the auditor of accounts that the same is needed to defray the expenses of said Soldiers' Home.

SEC. 2. The State treasurer is hereby authorized to receive all money due or to become due this State under an act of Congress entitled "An act to provide aid to State or territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27th, 1888, and to execute proper receipts for the same, and the auditor of accounts is hereby directed to draw his orders on the State treasurer from time to time, payable to the order of the treasurer of the Soldiers' Home, not to exceed in the whole the amount of such biennial appropriation, in addition to the sums received by the State treasurer from the United States.

Approved November 1, 1888.

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No. 262.—AN ACT TO COMPLETE MONUMENTS FOR  
GETTYSBURG.

SECTION.

1. Former appropriations continued and made available.
2. Appropriations; conditions.
3. Commission to carry out undertaking.

SECTION.

4. Appropriation for defraying the expenses of dedication of monument.
5. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. The appropriations for monuments, grounds and expenses to commemorate Vermont valor at Gettysburg, made by act number two hundred and fifteen of the Session Laws of 1886, are continued and made available for the completion of the work, and the time in which that may be done is extended to October 1, 1889.

SEC. 2. The additional sum of three thousand dollars is appropriated for the objects specified in section one of this act, and the sum of five thousand dollars is appropriated for a statue of the late Major General George J. Stannard and placing the same upon the



State monument that is to stand where Stannard's Brigade fought. This appropriation is made upon the condition that it shall complete the work.

SEC. 3. The commission, constituted under the act of 1886, is continued to carry out this undertaking, with the addition of the governor and his immediate predecessor.

SEC. 4. The sum of one thousand dollars is appropriated, to be expended under the direction of the governor, for defraying the expenses of a creditable dedication of these monuments under the authority of the State.

SEC. 5. This act shall take effect from its passage.

Approved November 1, 1888.

## NO. 263.—AN ACT RELATING TO THE CONSTRUCTION OF A BRIDGE FROM GRAND ISLE TO NORTH HERO.

### SECTION.

1. Grand Isle Bridge Company may transfer its rights, etc., to certain towns.
2. Directors authorized to make conveyance.
3. In case of conveyance, towns may issue bonds.
4. Town meetings to vote upon issuance of bonds.
5. Statement upon coupons.
6. Numbering and record of bonds.
7. Records by treasurers of towns.
8. Assessment and collection of tax to pay interest.
9. Penalty for failure to comply with preceding section.
10. Certain towns may appropriate money to assist in the construction of the bridge.
11. Under certain conditions Grand Isle county may bond itself to build the bridge.
12. Town meetings therefor.
13. Proceedings therefor continued.
14. County clerk's canvass and record of votes.
15. Selection of towns to determine the amount of bonds to be issued; their meeting therefor.

### SECTION.

16. Grand Isle bridge building committee; their compensation.
17. Assignments of rights and franchises to the county.
18. County coupon bonds, how signed, etc.
19. Numbering and registry of bonds.
20. County treasurer to keep record of bonds.
21. Assessment and collection of tax to pay interest.
22. \$20,000 appropriated; when and how drawn.
23. Auditor of accounts to make certain examinations before drawing order.
24. Conditions upon which amount appropriated may be known.
25. Conditions upon which orders may be drawn.
26. Upon certain conditions, bridge company shall have rights and benefits hereby granted.
27. Location of bridge.
28. Upon certain conditions, any town in Grand Isle county may bond to aid in construction.
29. When to take effect; subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. The Grand Isle Bridge Company, a corporation created and constituted by an act entitled "an act to authorize the construction of a bridge from Grand Isle to North Hero," approved November 3, 1886, may assign and transfer its rights, privileges and franchises to the **Acts and Resolves 1888** South Hero, if both of said towns shall on or before the first Tuesday in March, 1889 vote to accept the same, and shall vote to issue negotiable bonds for the purpose of constructing said bridge. And in case the town of South

No. 280.—AN ACT EMPOWERING GRADED SCHOOL DISTRICT, NO. 2 IN BRATTLEBORO, TO CHANGE THE TIME OF HOLDING ITS ANNUAL MEETING.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. The legal voters of school district number two, incorporated as Brattleboro Graded School District, may at a meeting legally warned for that purpose before April 1st, 1889, by a vote of a majority present and voting, fix a date on which their annual meeting shall be held; and the date so fixed shall thereafter be the date for said annual meeting.

SEC. 2. The school officers elected at the annual meeting in March, 1888, shall be the school officers until the time fixed for the annual meeting provided for in section one of this act.

SEC. 3. This act shall take effect from its passage.

Approved November 27, 1888.

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No. 281.—AN ACT IN AMENDMENT OF "AN ACT TO ESTABLISH THE RUTLAND GRADED SCHOOL."

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. That part of section two of an act entitled "An act to establish the Rutland Graded School," approved March 28, 1867, which prescribes the time for holding the annual elections in said district, is hereby amended so as to read as follows: The time of holding the annual elections shall be the same as fixed by law for all school districts in the State.

SEC. 2. The current and remaining years of the terms of office of the trustees and other officers of said graded school shall be held to continue to and expire upon the 30th day of June.

Approved November 27, 1888.

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No. 282.—AN ACT FOR THE RELIEF OF THE WEST FAIRLEE SAVINGS BANK.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. The West Fairlee savings bank is hereby relieved from any claim on behalf of this State to collect of it any taxes ac-



No. 285.—AN ACT TO AUTHORIZE THE VILLAGE OF RUTLAND TO BETTER PROVIDE FOR LIGHTING ITS STREETS AND PUBLIC BUILDINGS AND TO BORROW MONEY THEREFOR.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. The village of Rutland is hereby authorized and empowered to acquire, by purchase or otherwise, own and hold suitable real estate, within or without the limits of said village, and all necessary machinery, tools, apparatus and appliances, for producing, manufacturing and furnishing lights for its streets and public buildings and other uses, and may by vote of a majority of the legal voters present at a meeting legally warned and held for the purpose, authorize its board of trustees to procure, build, construct, maintain and operate the same, for and at the expense of the said village of Rutland, and to do any other act or thing requisite and necessary to complete and operate a plant for lighting said village. And the village of Rutland is also hereby authorized and empowered, by vote as aforesaid, to authorize and empower the president and board of trustees of said village of Rutland to borrow money, not exceeding in amount twenty-five thousand dollars; for a time, not longer than twenty years; at a rate of interest not exceeding six per cent. per annum, payable semi annually as said village shall at said meeting determine, to defray the expenses of such real estate, machinery, apparatus and appliances and lighting system or plant, and the expenses of constructing the same, and for the purposes aforesaid, and the said president and board of trustees shall have the power and authority in pursuance of such vote to issue the notes or bonds of said village of Rutland with interest coupons attached duly countersigned and registered by the treasurer of said village, payable at such time or times not exceeding the time above specified as said village may by vote determine.

SEC. 2. This act shall take effect from its passage.

Approved November 28, 1888.

No. 286.—AN ACT AUTHORIZING THE VILLAGE OF MONTPELIER TO ISSUE BONDS TO RETIRE INDEBTEDNESS INCURRED IN LAYING A MAIN WATER PIPE.

SECTION.

1. Village authorized to issue bonds.
2. Bonds, how signed; statement therein.

SECTION.

3. Balliffs to assess a tax.
4. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. The village of Montpelier is hereby authorized to

and the first day of July in any year, shall be fined not more than five dollars nor less than two for each such fish so taken caught or possessed.

Approved November 22, 1888.

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No. 319.—AN ACT FOR THE PROTECTION OF FISH IN  
LAKE BOMOSEEN IN THE TOWNS OF HUBBARDTON  
AND CASTLETON.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. It shall not be lawful for any person to fish in the waters of Lake Bomoseen, in the towns of Castleton and Hubbardton, by the use of any seines, nets, spears, dead lines, or lines strung with hooks, or explosives or other devices for entrapping, ensnaring, or killing fish. Any person who violates any of the provisions of this section, excepting the use of explosives, shall be fined one hundred dollars, and the additional sum of ten dollars for each fish illegally caught or found in his possession; and any person placing any explosives or combustibles in said waters for the purpose of killing or catching fish, shall be fined five hundred dollars or imprisoned not more than one year or both, for each offense.

SEC. 2. It shall not be lawful for any person to fish in any manner upon the crossway, known as "Johnson's Bridge," from the first day of March to the twentieth day of June, inclusive, or in the marsh north of said crossing or within a line twenty-five rods south of, and parallel with said crossway. Any person violating the provisions of this section shall be fined twenty-five dollars, and an additional sum of ten dollars for each fish taken contrary to the provisions of this section.

SEC. 3. One-half of the fines imposed under this act, shall go to the complainant, and one-half to the State.

SEC. 4. All previous acts relating to the protection of fish in Lake Bomoseen are hereby repealed.

SEC. 5. This act shall take effect from its passage.

Approved November 26, 1888.

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No. 320.—AN ACT TO PROTECT FISH IN DUCK PONDS.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. If any person shall take out, catch, carry away or



destroy any fish in Duck Ponds, within twenty years from the passage of this act, said pond being situated within the boundary lines and upon the farm of Winslow H. Sawyer in the town of Plymouth and State of Vermont, and covering about one and one-half acres of land, and being the private property of the said Sawyer, without the consent of the owner thereof, he shall be punished by a fine not exceeding thirty dollars or imprisonment in the county jail or House of Correction not exceeding thirty days or both of said punishments in the discretion of the court.

SEC. 2. This act shall take effect from its passage.

Approved November 26, 1888.

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NO. 321.—AN ACT TO PROVIDE FOR AND REGULATE  
FISHING IN THE WATERS OF LAKE SAINT CATH-  
ARINE IN THE TOWNS OF WELLS AND POULTNEY.

Whereas, No provision has been made for taking fish that cannot be caught with hook and line in said lake. Therefore,

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. It shall be lawful to use nets for catching white fish or ciscos in said lake during the month of August of each and every year.

Provided, that the nets so used shall not have a mesh smaller than one and one-half inches measured from knot to knot, and that during August it shall be unlawful to set such nets within fifteen rods of the shore or in water less than thirty feet deep.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed so far as they are in conflict with it.

SEC. 3. The State laws regulating fishing with the penalties imposed for the violation of the same are not changed by this act only as far as they conflict with it.

SEC. 4. This act shall take effect from its passage.

Approved November 26, 1888.

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NO. 322.—AN ACT TO PROTECT FISH IN MINK BROOK  
IN THE TOWN OF CONCORD.

*It is hereby enacted by the General Assembly of the State of Vermont:*

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SECTION 1. A person who takes or catches any fish in Mink

No. 340.—AN ACT TO PAY J. H. KIDDER THE SUM THEREIN  
NAMED.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The auditor of accounts is hereby authorized and directed to draw his order on the State treasurer for the sum of fifty-six and thirty-eight one hundredths dollars in favor of J. H. Kidder of Wilmington, it being for money expended by him in the pursuit and recapture of John Doyle, who escaped from the Windham county jail while therein confined.

SEC. 2. This act shall take effect from its passage.

Approved November 26, 1888.

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No. 341.—AN ACT TO PAY JOHN L. TUTTLE THE SUM  
THEREIN NAMED.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The auditor of accounts is hereby directed to draw an order on the State treasurer in favor of John L. Tuttle, for the sum of thirty-nine and forty-five one hundredths dollars, it being for services and expenses in the capture of Frank O. Randall for the crime of forgery.

SEC. 2. This act shall take effect from its passage.

Approved November 26, 1888.

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No. 342.—AN ACT TO PAY I. S. DUBUR THE SUM THEREIN  
NAMED.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The auditor of accounts is hereby directed to draw an order on the State treasurer for the sum of eighty-eight and seventy one hundredths dollars in favor of I. S. Duber, it being for money expended in securing the arrest and conviction of Nathan Baldwin for the crime of horse stealing.

SEC. 2. This act shall take effect from its passage.

Approved November 26, 1888.



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ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT,

AT THE

ELEVENTH BIENNIAL SESSION, 1890.



PUBLISHED BY AUTHORITY.

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Acts and Resolves 1890

BURLINGTON:  
THE FREE PRESS ASSOCIATION,  
PRINTERS.

## No. 102.—AN ACT TO INCORPORATE THE PROCTOR TRUST COMPANY.

## SECTION.

1. Name; powers; privileges, location.
2. Capital stock.
3. Opening of books for stock by commissioners; notice; deposits by subscribers.
4. Meeting of stockholders to elect directors; directors to keep record of stockholders and issue certificates of stock to subscribers.
5. Each share entitled to one vote.
6. Commencement of business; payment of stock; forfeiture.
7. Board of directors to manage corporation; quorum, qualifications, election, duties and liabilities.
8. Election of directors.
9. Transfer of shares.

## SECTION.

10. Powers of the corporation.
11. By-laws.
12. Trust property, how invested.
13. Compensation to corporation.
14. Receipts from and payments] to minors and married women.
15. Directors; how to invest deposits.
16. Loans to directors or officers of corporation.
17. Liability for deposits; preference in case of dissolution.
18. This act to confer no unlawful power.
19. Assessments; dividends.
20. Diversion of funds; how punished.
21. Corporation subject to law of trust companies and future Legislature.
22. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The subscribers to the capital stock of the corporation hereby established, and their assigns, are constituted a corporation and body politic by the name of the Proctor Trust Company; and by that name may sue and be sued; have a common seal, and the same alter at pleasure; and may purchase and hold real and personal estate for their own use, and such real and personal estate as may be received in the collection of debts, and may sell and convey the same; and shall have and enjoy all the privileges incident to corporations; and said trust company shall be established at Proctor in the county of Rutland:

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to any amount not exceeding one hundred thousand dollars, which shall be divided into shares of fifty dollars each.

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SEC. 3. The books for receiving subscriptions for shares in said corporation shall be opened at Proctor in the county of Rutland, within ten months after the passage of this act, notice of which



opening shall be published in a newspaper printed in Rutland county, three weeks in succession, the last of which shall not be more than two weeks previous to the day fixed by the commissioners, and said notice shall be signed by a majority of said commissioners, under the direction of Henry F. Field, E. R. Morse, George Briggs, William Smith, Jr., John D. Miller, F. C. Partridge, D. D. Burditt, W. E. Higbee, and B. F. Taylor, or a majority of them, who are hereby appointed commissioners for that purpose, and who shall be sworn to a faithful performance of their duty, and such books shall continue open from ten o'clock, A. M. till four o'clock P. M., Sundays excepted, for the space of ten days, and thereafter until one thousand shares shall be subscribed; and the subscribers shall, at the time of subscribing, deposit with the commissioners, ten dollars on each share by them subscribed. The said commissioners, in case more than the whole amount of the capital stock is subscribed, shall allot and distribute the same among the subscribers in such manner as they may deem most for the interest of all concerned, and if there shall be an increase of the capital stock of said corporation as herein provided, the said increase shall be divided among the then stockholders of said corporation, who will receive and pay for the same in proportion to the amount of stock held by them, or in such other manner as the board of directors shall determine.

SEC. 4. Said commissioners shall, upon the whole amount of stock being subscribed for, or as soon after as they shall think proper, not exceeding sixty days, call a meeting of the stockholders of said corporation at such place in Proctor as they shall think proper, by publishing a notice thereof signed by a majority of them, in a weekly newspaper printed in Rutland county three weeks successively previous to such meeting, for the purpose of electing directors of said corporation; and said commissioners shall deliver to said directors of said corporation when elected, and within ten days after they shall enter upon the duties of their office, a list of all the names of persons entitled to shares in said corporation, and the number of shares to which each is entitled, and the sum by each deposited with them, and also the moneys received by them on deposit on said shares; which list the said directors shall cause to be recorded in the books of said corporation, and thereupon issue certificates to such subscribers for their stock.

SEC. 5. Every stockholder shall be entitled to one vote for directors for every share of capital stock standing in his or her name.

SEC. 6. The corporation shall not commence business until at least fifty per cent. of the whole capital stock shall have been paid into said corporation. After the shares shall have been distributed and allotted, each stockholder shall pay the whole amount remaining due on shares so held by him, at such time or times as the board of directors shall appoint, of which at least ten days' notice shall be given to each subscriber by mail, and publishing the same in some newspaper published in Rutland county, and the shares of each stockholder omitting to make such payment shall be forfeited.

together with all previous payments made thereon, provided that the whole amount of such capital stock shall be paid in within two years from the date of the organization of the corporation.

SEC. 7. All the business of said corporation shall be managed by not less than five nor more than nine directors, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in said corporation, each to the amount of at least one thousand dollars, and at least three-fourths of whom shall be inhabitants of this State, and shall hold their office until the third Monday in January after their election, and until their successors are elected and qualified, and shall be elected annually after their first election, at such time and place as a majority of the directors for the time being shall direct, public notice whereof shall be given by publication of the same in a paper printed in the county of Rutland, for the space of two weeks next previous to such election, and such elections shall be made by ballot by the stockholders of said corporation who shall be present in person or by proxy, and the several persons who shall receive the greatest number of votes at such election shall be directors; and if any two or more persons shall receive an equal number of votes so that more than the required number of persons shall by a plurality of votes appear to be elected, the stockholders shall proceed to ballot a second time and by a plurality of votes determine which of such persons so having an equal number of votes shall be directors; and in case any vacancy shall happen by death, resignation or otherwise, the vacancy shall be filled from among the stockholders by a majority of the remaining directors. After their election the directors shall elect from their number a president and vice-president and such other officers as they may deem necessary. The said directors shall be liable to the creditors and stockholders of said corporation for any loss which may be sustained in consequence of any incompetency, unfaithfulness or remissness in the discharge of their official duties, hereinbefore or hereafter prescribed, and any number of such directors may be sued in the same action by any claimant under these provisions.

SEC. 8. If the election of directors shall not be made on the day herein prescribed, said corporation shall not thereby be dissolved, but a meeting for the election of directors may be held on any day under such regulations as shall be prescribed by the laws of said corporation.

SEC. 9. The shares of said corporation shall be transferred only in such manner and under such regulations as shall be prescribed by the by-laws of the corporation; provided no transfer shall be valid until recorded by the treasurer, or, in his absence, by one of the directors, in a book for that purpose.

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SEC. 10. The corporation hereby created shall have power:—

First, To receive moneys on deposit or in trust, at such rate of interest or on such terms as may be agreed upon, the rate of interest to be allowed for deposits not exceeding the legal rate.

Second, To accept and execute all such trusts of every description,



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No. 115.—AN ACT IN AMENDMENT OF “AN ACT TO INCORPORATE THE RUTLAND RAILROAD COMPANY” APPROVED MARCH 28, 1867.

## SECTION.

1. Act to incorporate Rutland Railroad Company, Approved March 28, 1867, amended. Authority to purchase

## SECTION.

2. stock of Addison Railroad Company. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Rutland Railroad Company is hereby authorized and empowered to purchase, own and control the stock of the Addison Railroad Company, the latter company being the owner of the railroad extending from Leicester Junction, in the State of Vermont, to Addison Junction, in the State of New York.

SEC. 2. This act shall take effect from its passage.

Approved November 4, 1890.

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No. 128.—AN ACT IN AMENDMENT OF ACT NO. 281 OF  
THE ACTS OF 1888 RELATING TO THE RUTLAND  
GRADED SCHOOL.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 1 of No. 281 of the Laws of 1888 relating to the Rutland Graded School is hereby amended so as to read as follows: That part of section two of an act entitled "An act to establish the Rutland Graded School," approved March 28, 1867, which prescribes the time for holding the annual elections in said district, is hereby amended so as to read as follows: The time of holding the annual elections shall be the last Tuesday in June.

Approved November 26, 1890.

No. 129.—AN ACT TO INCORPORATE THE RUTLAND  
ENGLISH AND CLASSICAL INSTITUTE.

SECTION.

1. Corporators: name.
2. Their powers.
3. Legalization of acts of the present ex-

SECTION.

1. Existing Rutland English and Classical Institute.
4. To take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:* **Acts and Resolves 1890**

SECTION 1. George W. Perry, Oscar H. Perry, M. A. Perry B. A. Perry and their successors are hereby constituted a body cor



porate by the name of the "Rutland English and Classical Institute."

SEC. 2. This corporation shall have power to lease property, to receive bequests and to hold property to an amount not to exceed one hundred thousand dollars.

SEC. 3. The organization, articles of association, by-laws and all corporate business done by the existing Rutland English and Classical Institute, under its articles and by-laws, are hereby legalized to the same extent and declared to have the same effect as if the corporate purposes set forth in this act were included and enumerated in Section 3664, of the Revised Laws and in said articles of association, and, upon the passage of this act, the corporation hereby created shall assume the powers and be subject to the liabilities of the present existing Rutland English and Classical Institute, and shall take the place thereof.

SEC. 4. This act shall take effect from its passage.

Approved November 17, 1890.

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No. 140.—AN ACT TO INCORPORATE SAINT JOHN THE BAPTIST BENEVOLENT SOCIETY.

SECTION.

1. Corporators: name.
2. Object of corporation; general powers and privileges.
3. Officers.

SECTION.

4. First meeting, how called; by-laws rules and regulations.
5. Liabilities.
6. When to take effect; subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. J. E. Gamache, Andre Robillard, Jos. Alexander Gosselin, Damase Courcelle, Joseph Lareau, Nazare Geory, William Lapine, their associates and successors, are hereby constituted a body corporate, by the name of Saint John the Baptist Benevolent Society.

SEC. 2. The object of this corporation shall be the improvement of the spiritual, mental and social condition of its members and others, the raising and maintaining of a sum of money for the aid of sick, infirm and indigent members and their families and the doing of any other business incidental thereto, which may be done by corporations under the laws of this State. And, by the name aforesaid, said corporation may sue and be sued; may acquire, hold and convey real and personal estate, not to exceed the amount of twenty-five thousand dollars; may erect and maintain such buildings as it deems necessary for its objects, and may enjoy all the privileges incident to corporations.

SEC. 3. Said corporation may elect officers and make such by-laws, rules and regulations for the management of its business as may be necessary, not inconsistent with the laws of this State.

SEC. 4. The first meeting of this corporation shall be holden at Rutland, Vermont, at such time as may be designated by J. E. Gamache and Andre Robillard, or the survivor of them, and due notice thereof shall be given to all members of said corporation,



and at such meeting and at all subsequent meetings of which the members shall be duly notified, said corporation may make, alter or amend such by-laws, rules and regulations as it may deem necessary for its management and discipline, may fix rules for the admission of members, may prescribe the duties of officers, and may establish a rate of fees and assessments necessary to carry out the purposes of this corporation.

SEC. 5. The directors of Saint John the Baptist Benevolent Society shall be liable for any debt contracted in its name.

SEC. 6. This act shall take effect from its passage, and shall be subject to future legislation to alter, amend or repeal.

Approved November 17, 1890.

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PAID BY THE WOMEN.

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No. 148.—AN ACT TO INCORPORATE THE VERMONT  
STATE FIREMAN'S ASSOCIATION.

*It is hereby enacted by the General Assembly of the State of  
Vermont:*

SECTION.

1. Corporators; name; general powers.
2. Object of corporation.
3. Special powers.
4. Right to acquire property.

SECTION.

5. First meeting, how called.
6. When to take effect; subject to future  
legislation.

SECTION 1. Robert S. Drysdale, Frank M. Tiffany, W. Russe  
Hyde, Edwin D. Moore, H. T. Cushman, 2d, Michael J. Welch



Ransom S. Buss, J. Oliver Burt, Michael J. Guilteneane, John P. Mulligan, Cornelius J. Sullivan, Wilton A. Viall, Charles A. Wakefield, M. O. Cooper, A. H. Thompson, C. Brouillette, George E. Daniels, L. C. Grant, M. C. Graton, F. A. Isham, W. H. Lane, C. H. Lane, M. Moore, W. E. Morse, F. E. Perkins, J. Rougey, John J. Shea, W. J. Murphy, J. E. Bradley, E. S. Foley, C. E. Little, W. H. Rowland, K. K. Hannum, P. A. Caten, J. E. Creed, J. P. Crowley, J. P. Crowley, Jr., George Dunton, C. O. Edson, E. R. Green, D. J. Healey, Edward Leareau, A. T. Woodward, W. B. Young, William Monihan, M. Welch, Daniel A. Bruton, C. W. Pennington, E. S. Whittaker, W. B. Witters, John H. Donnelly, W. H. Adams, S. D. Miner, J. N. Norton, and A. E. Bass, now being members of a society known as the Vermont State Fireman's Association, their associates and successors, are hereby created a body corporate and politic, to be known as the Vermont State Fireman's Association, and by that name may sue and be sued, may have and use a corporate seal and alter the same at pleasure, and may adopt and use a common badge, the design of which shall be the exclusive property of said corporation.

SEC. 2. The object of said corporation shall be the general improvement of the fire service of this State; the devising of means for the more effectual protection of the property of the citizens of this State, from damage and danger by fire; the open discussion of and debate upon the manner and means to be employed in the extinguishing of conflagrations, and the suggestion of improvement in all fire departments in the State, based upon the general experience, where such improvement may be deemed beneficial or necessary, and to encourage and promote the organization of fire departments in towns and villages in the State, now being without such protection.

SEC. 3. The said corporation shall have power to make and adopt a constitution, by-laws, rules and regulations, and to enforce the same, for the admission, conduct, and government of its members, as well as for their continuance, suspension, censure and expulsion; and further for the election of its officers and defining their duties, and for the safe keeping and management of its funds, and for any other purpose of the corporation not repugnant to the laws of this State, which said constitution, by-laws, rules and regulations, when regularly adopted and established by said corporation, shall have all the force of this act, to govern and control said association; it may also, from time to time, alter or repeal such constitution, by-laws, rules and regulations, in such manner as may therein be provided, and such amended, altered or substituted constitution, by-laws, rules and regulations, shall have all the force and virtue of those originally adopted by said corporation.

SEC. 4. The said association is hereby authorized and empowered, for the purpose of its incorporation but not otherwise, to lease, purchase, receive by grant or devise, hold, convey and dispose of real and personal property, and mortgage the same to secure any debt or obligation which said corporation may contract,

make or issue in the legitimate operation of its functions, but shall not hold real estate exceeding in value, at any time of its existence, one hundred thousand dollars.

SEC. 5. The first meeting of said corporation shall be held at the village of Rutland, not later than the first day of September, A. D. 1891, and shall be call by Robert S. Drysdale, Edwin D. Moore, George Dunton, John H. Donnelly, John J. Shea, C. E. Little and W. B. Witters, individuals hereinbefore specially named, or a majority of them, in writing, upon such date as may be by them, or a majority of them, determined upon, not later than the day aforesaid.

SEC. 6. This act shall take effect from its passage, but shall be subject to alteration, amendment, or repeal of future legislation.

Approved November 7, 1890.

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[A. D.]

MISCELLANEOUS.

No. 159.—AN ACT TO PROVIDE A PUBLIC PARK OR  
PARKS FOR THE VILLAGE OF RUTLAND.

SECTION.

1. Power to take lands for a public park; board of commissioners established; how chosen.
2. Vacancies, how filled.
3. Powers and duties of commissioners.
4. Procedure by commissioners in locating park; parties dissatisfied may petition county court.
5. Streets, etc., not to be laid out through park.
6. Commissioners to make report.

SECTION.

7. Rights and liabilities of village of Rutland.
8. Village may issue bonds.
9. Power to assess parties benefited.
10. Limitation of right to make assessment.
11. Assessment to constitute a lien on real estate.
12. Special meeting to be called by trustees.
13. When to take effect; subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. The village of Rutland is authorized to take lands and other estate within the town of Rutland for a public park or parks and thereon to lay out, establish and maintain such park or parks. And for these purposes a board of park commissioners is hereby established for the village of Rutland. Said board shall consist of three members who shall be chosen by ballot from the freemen of said village. At the annual meeting of said village in 1891 the three members of said board shall be chosen one to serve one year, one to serve two years and one to serve three years, and at each annual meeting thereafter one member shall be chosen to serve for the full term of three years.

SEC. 2. Any vacancy occurring in said board shall be filled by appointment by the remaining members of the board until the next annual meeting of said village and then by election at such annual meeting.

SEC. 3. Said board shall have power to locate within the limits of the town of Rutland one or more public parks and for that purpose from time to time to take by purchase, gift, devise or otherwise any and all such lands as said board may deem desirable therefor or to take bonds for the conveyance thereof to said village ; to lay out, improve, govern and regulate any such park or parks and the use thereof ; to make rules for the use and government thereof and for breaches of such rules to affix penalties not exceeding twenty dollars for one offense to be imposed by any court of competent jurisdiction ; to appoint all necessary engineers, surveyors, clerks and other officers including police to act in such parks ; to define the powers and duties of such officers and fix the amount of their compensation ; and generally to do all needful acts for the proper execution of the powers and duties granted to or imposed upon said village or said board by this act ; provided, however, that no land shall be taken or other thing involving an expenditure of money done until an appropriation sufficient to cover the expense thereof shall have been made by vote of said village in a meeting duly warned and held.

SEC. 4. Said village is hereby authorized and empowered

through said board of park commissioners to take, enter upon and own any lands and estate within the limits of any park located by them under the provisions of section three and to agree with the owners of such land and estate taken in respect to the damage or compensation to such owners for said property; and in any case where damage or compensation to such owners and other persons interested in said property so taken is not adjusted by agreement or if the owner thereof be a minor, insane or out of the State or otherwise incapacitated to sell or convey, said damage or compensation shall be fixed by the board of park commissioners after hearing all parties interested, such hearing to be had upon written notice of the time and place thereof, given at least ten days before said hearing (but in case the owner is out of the State such notice may be, by publication in any newspaper published in Rutland at least ten days and not more than twenty before such hearing), and said park commissioners shall within ten days after said hearing file their award in the town clerk's office in said Rutland and cause the same to be recorded in the land records of said town. When any person whose property is so taken shall be dissatisfied with the award made him by the park commissioners and filed as aforesaid, he may petition the county court for the county of Rutland for a re-assessment and award of damages and such proceedings shall be had in said court on said petition as are provided by law for the assessment of damages for land taken for highways, except that the commissioners appointed by said court shall notify one of said park commissioners of said village instead of one of the selectmen. Said petition shall be served on the clerk of said village within sixty days next after said award shall be filed in the town clerk's office as aforesaid and at least twelve days before the term of court to which it is made returnable; but nothing in such proceedings shall prevent the park commissioners from entering on said property and using the same and establishing said park after their award shall have been made and the amount thereof tendered by them; and after final award and payment or tender thereof said property shall be the property in fee of the village of Rutland.

SEC. 5. No street or way and no steam or other railroad shall be laid out over any portion of any park located under this act except at such places and in such manner as said board shall approve.

SEC. 6. Said board shall at the annual village meeting and at such other times as the village may direct, make report of its doing including a detailed statement of all receipts, expenditures and liabilities.

SEC. 7. The fee of all lands taken or purchased by said board under this act shall vest in the village of Rutland and said village shall be liable to pay **Acts and Resolves 1890** determined as heretofore provided for and all other costs and expenses incurred by said board in the execution of the powers vested in them by this act. Said village shall also be authorized to take and hold in trust or otherwise any devise, grant, gift or bequest that may be made for



the purpose of laying out improving or ornamenting any parks in the said town of Rutland.

SEC. 8. For the purpose of defraying the expenses incurred under the provisions of this act the board of trustees of the village of Rutland shall have authority to issue from time to time and to an amount not exceeding the amount actually expended for the purchase or taking of lands for said park, bonds to be denominated on the face thereof, "Rutland Public Park Loan," and to bear interest at such rates not exceeding five per cent per annum payable semi-annually and to run for such time as such board of trustees shall determine: except that the amount of any such loan issued at one time shall be divided as equally as may be and payable one part of bond each year beginning one year from date of such issue.

SEC. 9. When any real estate in the town of Rutland in the opinion of said board shall receive any benefit and advantage from the locating and a laying out of the park under the provisions of this act beyond the general advantages to all the real estate in the town of Rutland, the owner thereof may after like notice to all persons interested as is provided by section four of this act be assessed by said board for a proportional share of the expense of such location and laying out, provided that the entire amount so assessed upon the owner of any estate shall not exceed one-half of the amount which said board shall adjudge to be the whole benefit received by him on account of said estate. Said assessment shall be within ten days after it is made recorded in the land records of the town of Rutland; and the person assessed may bring petition and have a re-assessment in the same manner as is provided as to petitions in section four of this act.

SEC. 10. No assessment shall be made as provided in the preceding section except within two years after the passage of the order, the execution of which causes the benefit for which the assessment is made.

SEC. 11. All assessments under this act shall be collectible of the person assessed and shall likewise constitute a lien upon the real estate for benefit to which such assessment has been made, to be enforced and collected by the village of Rutland in the same manner and with like charges for costs and interest as is provided by law for the collection of taxes.

SEC. 12. The trustees of the village of Rutland shall before March 1st, 1891, call a special meeting of the voters of said village. The warning for said meeting shall read as follows: "To see if the village will accept of the provisions of an act entitled 'An act to provide a public park or parks for the village of Rutland' and passed by the last General Assembly of the State of Vermont."

SEC. 13. Section twelve of this act shall take effect from its passage, and the remainder of this act shall take effect on the day of the acceptance of its provisions by the village of Rutland at the meeting provided for. **Acts and Resolves 1890** act shall be subject

to future Legislatures to alter, amend or repeal as the public good may require.

Approved November 25, 1890.



NO. 188.—AN ACT RELATING TO THE GRAND LIST OF  
THE WEST RUTLAND CENTER SCHOOL DISTRICT.

*It is hereby enacted by the General Assembly of the State of Vermont.*

SECTION 1. The listers of the town of West Rutland in the county of Rutland, in making the grand list of said town, shall in each year hereafter, designate eight hundred dollars of the grand list of the Vermont Marble Company, and six hundred dollars of the grand list of the Sheldon Marble Company, in said town, as being in, and constituting a part of the grand list of the West Rutland Center School District. And the grand list of said West Rutland Center School District shall hereafter consist of the grand list of the members of said school district as now provided by law, and the said sums of eight hundred dollars and six hundred dollars of the grand lists of the Vermont Marble Company and the Sheldon Marble Company as aforesaid.

SEC. 2. No neglect or refusal of said listers to make said designation shall prejudice or affect the right of said West Rutland Center School District. The prudential committee of said district shall assess all taxes voted by said district and authorized by law, upon the grand list as established and declared to be the grand list of said district by the first section of this act, and all said taxes so assessed shall be as legal and valid as they would be if the listers had made the designation as aforesaid.

SEC. 3. This act shall take effect from its passage.

Approved November 26, 1890.

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No. 205.—AN ACT TO LEGALIZE THE QUADRENNIAL APPRAISAL OF REAL ESTATE IN THE TOWN OF WEST RUTLAND FOR THE YEAR 1890.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The quadrennial appraisal of the real estate of the town of West Rutland for the year 1890, as made by the listers of

**Acts and Resolves 1890**



said town as to all taxes which may hereafter be assessed thereon, is hereby declared legal and valid.

SEC. 2. This act shall take effect from its passage.

Approved October 28, 1890.

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ACTS AND RESOLVES  
PASSED BY THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT,  
AT THE  
TWELFTH BIENNIAL SESSION, 1892.



PUBLISHED BY AUTHORITY.

BURLINGTON:  
THE FREE PRESS ASSOCIATION,  
**Acts & Resolves 1892**



ments as filed in the city clerk's office, and will not make any objection of illegality or irregularity as to the same and will pay the assessments and the installments thereof with annual interest thereon at six per centum, all as specified in said certificates and as provided in this act. The city treasurer is hereby authorized to hold said certificates covering and representing all such assessments payable in installments as aforesaid, as the property of said city and to invest any of the funds of the city in the same, for the city, or he may sell and assign said certificates to any person or corporation and their assigns, which sale and assignment shall have the effect to transfer and convey all the right and interest of said city to, in and with respect to every such assessment and the installments thereof, and shall authorize the holder of the certificate to receive, sue for and collect, or to have collected by said city treasurer, every such assessment or installment embraced in such certificate, by or through any of the methods provided by law for the collection of assessments for such improvements, including the provisions of this act, and any sums collected by said city treasurer shall, when collected, be placed to the credit of the holder of such certificate.

SEC. 3. For all purposes of assessments for street improvements, including sewers, wherever a description of the lands and buildings so assessed is required, reference to the conveyance to the owner or owners, giving date of the same and volume and page of the land records where recorded, shall be sufficient in the absence of other description.

SEC. 4. All assessments not payable in installments as herein provided, shall in all respects be subject to the existing provisions of the city charter and the amendments thereof.

Approved November 21, 1892.

# No. 110.—AN ACT TO INCORPORATE THE CITY OF RUTLAND.

## SECTION.

1. Boundaries; corporate name; rights and privileges.
2. Wards.
3. Ward officers, their election and term of office.
4. Administration of fiscal, prudential and municipal affairs, in whom vested.
5. Mayor, duties of.
6. Sundry officers to be appointed by the city council; term of office; vacancies, how filled; certain officers to give bonds.
7. Nominations by the mayor subject to confirmation or rejection by the board of aldermen.
8. Assessors, how appointed, their duties.
9. City clerk, duties of.
10. City treasurer, powers and liabilities of; city attorney, power and duties of.
11. City constable, powers and duties of; police officers, powers and duties of.
12. Superintendent of streets and board of street commissioners, duties of.
13. Powers and duties of overseer of the poor; cemetery commissioners; control of public burial ground; duties of auditors; superintendent of city water works; powers of board of health.
14. Fire department, regulations concerning.
15. City judge, how appointed; powers and duties; city court; jurisdiction; appeals; exceptions; taxable costs; jury trials; powers of court in case of fraud, and accident or mistake; vacancies, how filled; further powers of city judge; duties of clerk of city court; municipal court, abolished; transfer of files, records etc., to city court.
16. Certain ward officers, how elected; compensation; vacancies.
17. Vacancies in the office of mayor, how filled.
18. Qualification of voters in city elections; regulations respecting check list.
19. Annual election; duties of election officers.
20. Warnings for city elections; how issued.
21. Freeman's meetings; check list of voters.
22. Ordinances and by-laws, now established.
23. Requirements respecting appropriations of money.
24. Purposes for which ordinances and by-laws may be established.

## SECTION.

25. Limitation of fine for violation of ordinance; penalties for violation of ordinances and by-laws.
26. Selling or leasing real or personal estate, requirements.
27. Mayor and alderman to approve warrant for payment of money; contracts and purchases to be made by inviting bids.
28. Assessment and collection of taxes.
29. Board of civil authority.
30. Grand and petit jurors.
31. Board of school commissioners, how chosen, term of office; vacancies, how filled; clerk of the board; duties of commissioners and clerk. Superintendent of schools, how appointed, his powers and duties; duties of city treasurer respecting school funds; duties of city council respecting appropriations for use of schools; school districts abolished; duty of city to provide and maintain school houses.
32. City council to assess taxes except State and county taxes; duties of treasurer in respect to taxes; powers of constable and collector.
33. Certain existing laws to apply to the city of Rutland.
34. Duties of officers respecting publications in newspapers.
35. Water rates; transferring property from village to city.
36. First election, how called and held; transfer of records, books etc.
37. Number 159, Acts of 1890, continued in force and amended.
38. Liabilities of persons and estates for arrears of taxes.
39. Liability for support of paupers.
40. Liability on contract respecting roads and bridges.
41. Assets and property, debts, contracts and liabilities of village of Rutland, how disposed of.
42. Assets and liabilities, how apportioned; United States deposit fund; amount of outstanding bonds, orders and liabilities, how ascertained; duties of the selectmen of the town of Rutland, and city council of the city of Rutland in respect thereto. Causes of action in favor of town to be enforced by city.
43. Town of Rutland authorized to borrow money and issue its notes or bonds.
44. This act deemed a public act, and subject to future legislation.
45. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The inhabitants of that portion of the town of Rutland included within the following boundaries, to wit:

Beginning at the northeast corner of the Rutland graded school district; thence westerly on the north line of said graded school district to the east line of school district number three; thence



northerly on the east line of said school district number three to the northeast corner thereof; thence westerly on the north line of said school district number three to the "quarter line," so called, on the top of Pine hill; thence southerly on said "quarter line" to Evergreen cemetery; thence westerly and southerly on the lines of said cemetery and on the southerly extension of the west line thereof to the north line of Main street in the village of Center Rutland, so called; thence in a straight line to the northwest corner of Percival W. Clement's homestead lot on the south side of the highway; thence on the westerly line of said Clement's homestead lot, and on said line produced, to the west line of the highway known as the "Campbell road"; thence southerly and easterly on the westerly and southerly line of said highway and on the westerly line of the highway known as the "river road," if necessary, to a point due west of the southwest corner of the Mussey farm, so called; thence in a straight line due east, magnetic bearing, through the said southwest corner of the Mussey farm, which is also the northwest corner of the house lot of the Ruel Todd estate, to intersect the east line of said Rutland graded school district produced southerly; thence northerly on said production of said east line of the Rutland graded school district and on said east line itself to the place of beginning, are hereby incorporated and made a body corporate and politic, under the name of the City of Rutland; and by that name may sue and be sued, prosecute and defend in any court; may have a common seal, and alter it at pleasure; may take, hold, purchase and convey such property, real and personal, as the purposes of the corporation may require; may borrow on the credit of the city, in the mode and under the restrictions hereinafter provided; may elect a representative to the General Assembly of the State, and the same number of justices of the peace as a town of equal population; and generally shall have, exercise and enjoy all such rights, immunities, powers and privileges as are conferred upon or are incident to towns in this State; and shall be subject to like duties, liabilities and obligations, except as otherwise provided in this act.

SEC. 2. The city of Rutland is hereby divided into eleven wards, constituted as follows:

*Ward 1.* Beginning at the northeast corner of ward one of the village of Rutland, thence westerly on the north line of said ward to a point two hundred forty-six feet west of the center line of Main street; thence southerly on a line parallel with the center line of Main street to the center line of Center street; thence easterly on the center line of Center street and on the same line produced to the east line of the Rutland graded school district; thence northerly on the boundary line of said district and following said boundary line to the place of beginning.

*Ward 2.* Beginning at the southeast corner of ward one, thence westerly on the south line of ward one to the southwest corner of ward one; thence southerly on a line parallel with the

center line of Main street to the south line of the village of Rutland; thence easterly on the south line of said village to the southeast corner of said village; thence following the boundary line of the Rutland graded school district to the place of beginning.

*Ward 3.* Beginning at the center line of Washington street at its intersection with the west line of ward two, thence westerly on the center line of Washington street and on the same line produced westerly until its intersection with the center line of Franklin street produced easterly; thence southwesterly on said produced line of Franklin street until it intersects with the center line of Spruce street produced northerly; thence southerly on said produced center line of Spruce street and on the center line of Spruce street to the south line of the village of Rutland; thence easterly on the south line of the village to the southwest corner of ward two; thence northerly on the west line of ward two to the place of beginning.

*Ward 4.* Beginning at the intersection of the center line of West street with the west line of ward one, thence westerly in the center line of West street to the center line of Broadway; thence southerly on the center line of Broadway to the angle in said Broadway; thence southerly in a straight line to the northwest corner of ward three; thence northeasterly and easterly in the northwest and north line of ward three, to the northeast corner of ward three; thence northerly in the west line of ward two and in the west line of ward one to the place of beginning.

*Ward 5.* Beginning at the northeast corner of ward four, thence northerly in the west line of ward one to the northwest corner of ward one; thence westerly on the north line of ward five of the village of Rutland to the center line of Broadway; thence southerly in the center line of Broadway to the center line of West street; thence easterly in the center line of West street to the place of beginning.

*Ward 6.* Beginning at the northwest corner of ward five, thence westerly in the north line of ward six of the village of Rutland to East creek; thence southerly on the center line of East creek to the center line of State street; thence easterly on the center line of State street to the center line of Broadway; thence northerly on the center line of Broadway to the place of beginning.

*Ward 7.* Beginning at the southeast corner of ward six, thence southerly on the west line of ward five, and on the west line of ward four to the southwest corner of ward four; thence southwesterly on the center line of Franklin street produced easterly, and on the center line of Franklin street to the center line of Forest street; thence westerly in a line parallel with the center line of River street to the center line of Otter creek; thence northerly on the center line of Otter creek to the center line of East



creek, and on the center line of East creek to the southwest corner of ward six; thence easterly on the south line of ward six to the place of beginning.

*Ward 8.* Beginning at the southeast corner of ward seven, thence westerly on the south line of ward seven to the center of Otter creek; thence southerly in the center line of Otter creek to the south line of the village of Rutland; thence easterly on the south line of said village to the center line of Spruce street; thence northerly on the west line of ward three to the place of beginning.

*Ward 9.* All that part of school district No. 3 in said town of Rutland, including ward nine of the village of Rutland, that lies easterly of the center line of East creek.

*Ward 10.* All that part of the city of Rutland that lies west of the center line of East creek and the center line of Otter creek.

*Ward 11.* All the rest and remainder of said city of Rutland shall constitute ward eleven of said city.

And the city council are empowered to make such changes, from time to time, in the number and boundaries of the several wards of the city as they may deem proper, having regard, so far as practicable and convenient, to an equal division of population among them; provided that after the first change so made, such changes shall not be made oftener than once in five years.

SEC. 3. The legal voters of each ward shall, at the first election held under this act, elect one alderman and the ward officers hereinafter named, from among the legal voters of said ward. And the aldermen so elected from wards 1, 3, 5, 7, 9 and 11 shall be elected for two years, respectively, and the aldermen elected from wards 2, 4, 6, 8 and 10 shall be elected for one year, respectively. After the first election the term of office of an alderman shall be two years, and each ward shall elect one alderman at the annual meeting next pending the expiration of said term.

The legal voters of each ward shall, at each annual election, vote for a mayor, city treasurer and city constable.

SEC. 4. The administration of all fiscal, prudential and municipal affairs of said city, and the government thereof, shall be vested in the mayor and board of aldermen. The board of aldermen shall consist of an alderman elected in each ward as aforesaid, who shall elect one of their number president of said board, and the mayor and board of aldermen, in their joint capacity, shall be called the city council. The mayor shall be elected annually. The mayor and aldermen shall be sworn to the faithful performance of their duties respectively, and shall each give a bond with sufficient surety in the penal sum of one thousand dollars, to be approved by the county clerk of the county of Rutland, and with condition for the faithful performance of the duties of their respective offices.

No member of the board of aldermen shall receive any compensation for official services.

SEC. 5. The mayor shall be the chief executive officer of the city; he shall use his best efforts to see that the laws and the city ordinances are enforced, and that the duties of all subordinate officers are faithfully performed; he shall take care that the finances of the city are properly expended, and shall bring before the board of aldermen whatever he may deem worthy of their attention, for prudentially and efficiently carrying on the affairs of the city. He shall receive such annual compensation as shall be voted by the board of aldermen; in his absence, the president of the board of aldermen shall act as mayor in his stead. The mayor shall have power to administer oaths in all cases proper for the administration of an oath before the city council, and official oaths to the several officers of said city, when such oaths are required by law, and the president of the board of aldermen shall have like power, in all cases proper for the administration of an oath before the board of aldermen. The mayor, with the consent of the board of aldermen, shall have power to remit fines and costs, in whole or in part, in cases where the same are payable into the city treasury, and shall cause the reason for such remissions to be entered on the city records.

SEC. 6. The city council shall appoint a city attorney, a city clerk, who shall be *ex-officio* clerk of the board of aldermen and of the city council; a superintendent of the streets, a superintendent of the city water-works, a city engineer, an overseer of the poor, three cemetery commissioners, three auditors, and a board of health to consist of three persons, one of whom shall be a physician. The members of the board of health shall serve without pay, except the physician shall receive fair compensation. The city council may also appoint such other subordinate officers as may be elected or appointed by towns. The compensation of all officers and also of the superintendent of streets shall be fixed by the city council, except as herein otherwise provided. All such officers shall be annually appointed in March, after the annual city election of mayor and aldermen, and shall hold their offices respectively for one year from and after the first day of April next succeeding their appointment, and until their successors shall be appointed and qualified.

In case of vacancy in any of said offices, or in the board of aldermen, occasioned by death, removal from the city, resignation or inability to serve, such vacancy shall be filled by the city council for the unexpired term of such offices. The treasurer, constable, superintendent of streets and superintendent of the city water-works shall annually give bonds to the city, to the satisfaction of the city council, for the faithful discharge of their respective duties, and any other city officer may be required by the council to give similar bonds, and in case of neglect of any officer to give bonds as above specified, and after ten days notice that he is required to do so, his office may be declared vacant by the city council, and such vacancy shall be filled as hereinbefore provided. The city council shall have power for causes of incapacity, negligence



or bad conduct, as to them shall seem sufficient, to suspend or remove from office any city officer who may be elected or appointed by the city council or the board of aldermen, and to fill all vacancies thereby created.

SEC. 7. In all cases in which appointments are to be made by the city council the mayor shall have the exclusive power of nomination, which nomination shall be subject, however, to confirmation or rejection by the board of aldermen. If a person so nominated shall be rejected the mayor shall make another nomination within one month from the time of such rejection.

SEC. 8. The city council first elected under this act shall, as soon after its organization as may be convenient, appoint from the legal voters of said city one assessor to serve for three years, one for two years and one for one year and until their respective successors are appointed and qualified. And thereafter the city council shall annually, in the month of March, appoint one person, a legal voter in said city, to be an assessor to serve for three years and until his successor shall be appointed and qualified. The persons so appointed shall constitute the board of assessors and shall exercise the powers and be subject to the duties and liabilities of listers in towns. Any vacancy occurring in said board of assessors may be filled by the city council at any time and the member so appointed shall hold office only for the unexpired term of the member who has ceased to hold office. The assessors may appoint a clerk whose compensation and the compensation of the assessors shall be fixed by the city council.

SEC. 9. The city clerk shall perform for the city the same duties devolving by law upon town clerks, except so far as the same are rendered unnecessary by this charter, and shall receive the same fees therefor. He shall be clerk of the city council and of the board of aldermen. He shall be sworn to the faithful performance of his duties, and his records, copies and certificates shall be legal evidence in all courts and for all purposes, as those of town clerks are. He shall have exclusive charge and custody of the records and papers of the city, which shall not be taken out of or away from his office, unless upon the order or process of a court of competent jurisdiction.

SEC. 10. The city treasurer shall have the same powers and be subject to the same liabilities as are prescribed by law for town treasurers.

The city attorney shall prosecute and defend, in behalf of the city, all suits in which the city is interested, and is authorized to file informations and complaints in criminal causes in the city court, or before any justice of the peace in said city, and prosecute the same to final judgment and execution.

The assessors shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed by law for listers, except as hereinafter provided. Appeals may be taken

from their decision to the city council in all cases where appeals are allowed from the decision of listers to the selectmen or to the board of civil authority. The city council in respect to such appeals are endowed with all the powers of selectmen or boards of civil authority in such cases.

SEC. 11. The city constable shall have the same powers and be under the same duties and liabilities as are prescribed by law for constables of towns, and the said constable, and all special police officers, shall have the same powers as sheriffs, in suppressing riots and all unlawful assemblages, and of arresting without warrant all persons disturbing the peace, and may bring them before the city court forthwith, or detain them in the county or city jail until said court can be held; and said court may proceed summarily to hear and determine all such cases, in the same manner as they may with persons apprehended on warrant.

The mayor may appoint a chief of police, and such number of other police officers as he shall think necessary, for a period not exceeding his term of office, but such appointees shall not continue in office after the next regular meeting of the board of aldermen, unless the same shall be, by the board of aldermen, then approved. The mayor may suspend any of such police officers, subject to a similar approval by the board of aldermen, and the board of aldermen may at any time annul any of such appointments.

All police officers shall have authority to serve, anywhere within the State, and return, process in criminal causes returnable within the city, and for such duties there shall be taken and allowed the fees provided by law for a sheriff for similar services, which fees shall belong to the city, and be paid into the city treasury, whenever such policemen shall be under pay from the city. The said police officers shall have the power of constables in all matters arising under the criminal and police laws of the State and the police regulations of said city.

SEC. 12. The superintendent of streets, subject to the orders and ordinances of the city council, shall have the immediate care and supervision of the streets and public sewers of the city. He shall be under the general direction and control of the standing committee of the board of aldermen on streets and highways, which said standing committee shall consist of three members of such board, to be appointed by the board of aldermen annually, in the month of March, and who shall hold their office one year from the first day of April, and until their successors shall be chosen and qualified; and said members of such standing committee shall constitute the board of street commissioners, and it shall be the duty of said board of street commissioners to see that all streets and highways, laid out and established in said city, are properly constructed, and when, in their judgment the public good requires, shall cause such streets and highways to be worked and graded entire width thereof, and made in such a manner as they shall judge will best accommodate the public. Said board shall at all



times be subject to the ordinances and orders of the city council. The street commissioners, so appointed, shall have the same power to lay out, alter and discontinue streets and highways as is vested by law in selectmen of towns; and all proceedings in respect to laying out, altering or discontinuing highways in said city shall be had in the same manner as is prescribed by law in respect to such matters in towns, except that the street commissioners shall, in said city, act in the place of selectmen; and from all their acts or omissions, or refusals to act in such respect, appeals may be taken to the county court in the same manner, and conducted with the same proceedings, as is provided by law for appeals from the decision of selectmen in such matters, except that in the appointment of commissioners by the county court in connection with any appeal to said court from any decision of the street commissioners, made under the authority of this act, no person shall be disqualified for appointment by said court as commissioner by the fact that he is a resident or taxpayer in this city.

Said street commissioners, in laying out or altering highways, shall have power, subject to the ordinances and by-laws of the city council, on giving twelve days notice of the time and place of hearing to the parties interested, in the manner provided by section 3041, of the Revised Laws, to assess the owners of lands adjoining such highways, so much of the expenses of opening, making or altering such highway, including land damages, as the said commissioners shall judge such lands will be benefited thereby; and if the highway has not been, at the time of making such assessment, actually opened, made or altered, as the case may be, the said commissioners shall estimate the probable expense of such opening, making or altering of the same, and make the aforesaid assessment upon such estimate. In case of assessment, the commissioners shall embrace in the statement of their decision in regard to the laying out or altering of the highway, a full statement of all assessments made by them, especially describing the lands so assessed, and such statement they shall cause to be recorded in full by the city clerk, in the city clerk's office, and when so recorded, the amount so assessed shall be and remain a lien, in the nature of a tax, upon the lands assessed, until the same shall be paid, except in cases of appeal under section 2940, of the Revised Laws. From such an assessment there shall be the same right of appeal to the county court, and the same proceedings in respect to such appeal as is before provided in this section; and the final decision of the county court in the matter of such appeal shall, when the record thereof is duly recorded, in the city clerk's office, as aforesaid, be a lien upon the land so assessed as aforesaid. But such an appeal from such assessment, or an appeal from the allowance of land damages, shall not delay the opening, making or altering of such highways; and if the owners of such lands, so assessed, shall neglect, for sixty days after the recording of the final decision of the said street commissioners, as aforesaid, in case there shall be no appeal from such decision; and in case of appeal

to the county court, within sixty days after the recording of the final decision of said court, as aforesaid, to pay to the city treasurer the amount of said assessment, the city treasurer shall issue his warrant to the constable of the city for the collection thereof; and such constable shall have authority to sell at public auction so much of said land as will satisfy said assessment and all legal fees; and he shall proceed in the same manner as collectors of town taxes are required by law to proceed in selling real estate at auction for the collection of town taxes. In all cases of appeal under section two thousand nine hundred forty, of Revised Laws, the question of assessment upon the owners of adjoining lands shall pass to the county court, and shall be referred to, and be reported upon, by the commissioners to be appointed by such court, and shall be adjudicated by said court.

The street commissioners are authorized, subject to the orders and ordinances of the city council, to establish, construct and maintain public sewers in the city, and they may assess the owners of lands or buildings adjoining the streets through which such sewers may be established, opposite such lands or buildings, so much of the expenses of constructing such sewers as the said commissioners shall judge such lands or buildings to be benefited thereby; and the street commissioners are also authorized and empowered to establish, construct and maintain sewers, in and through the lands of individuals and corporations, on making compensation for lands taken therefor, in the same manner as is prescribed by law in the laying out and establishing of highways. And they may assess the owners of lands through which such sewers may be established and constructed, in the same manner and to the same extent, as is hereinbefore provided in respect to public sewers established and constructed in the streets of the city; and the same proceedings shall be had, and the same rights of appeal shall exist, as in the case of laying out and establishing of highways, and the same lien shall attach, and be enforced in the same manner in respect to such assessments, as is in this act provided in respect to assessments by the street commissioners upon adjoining land-owners in case of laying out or making highways.

Whenever a petition in writing shall be presented to the board of aldermen, signed by the owner or owners of a majority of the frontage upon any street, lane or alley in said city, or of any portion of such street, lane or alley, particularly describing such street, lane or alley, or portion thereof, and praying that the same might be graded, paved or macadamized, curbed and guttered, or that any of such improvements may be made, the city council shall forthwith order and direct the street commissioners to cause such street, lane or alley, or such portion thereof as shall be specified in such petition or orders of said city council, to be graded, paved or macadamized, as the case may be, and curbed and guttered, all at the expense and cost of all the owners of lands or buildings adjacent to or abutting upon such street, lane or alley, or part thereof



specified and described in such petition or order of said city council. And the street commissioners, on giving twelve days notice of the time and place of hearing to the parties interested, in the manner provided in section three thousand forty-one, of the Revised Laws, shall assess the cost and expense thereof upon all the lands and buildings fronting upon or adjacent to the street, lane or alley, or part thereof specified and described in such petition or order, graded, paved or macadamized, curbed and guttered, as aforesaid, according to the benefits to such lands or buildings upon such street, lane or alley. And said street commissioners shall make up a statement of all such assessments particularly describing the lands or buildings assessed, and such statement they shall forthwith cause to be recorded in the city clerk's office, and when so recorded shall be and remain a lien, in the nature of a tax upon the lands or buildings assessed, until the same shall be paid, when said lien shall be discharged by the city clerk.

It shall be the duty of the city clerk to place said lists of assessments in the hands of the city treasurer for collection, as soon after he shall have recorded the same as may be. The city treasurer shall thereupon forthwith notify, in writing, the owner or owners of lands or buildings so assessed, their agents or attorneys, stating therein the amount of such assessments, and all such assessments shall be paid to the city treasurer within sixty days after the same shall have been filed for record in the city clerk's office; and if the owner or owners of any such lands or buildings so assessed, as aforesaid, shall neglect, refuse or omit to pay any such assessment to the city treasurer, within the time aforesaid, the city treasurer shall issue his warrant to the constable of the city for the collection thereof, and such constable shall proceed to collect the same, in the manner hereinbefore prescribed in this section, for the collection and enforcement of assessments made in cases of the laying out or altering of highways.

SEC. 13. The overseer of the poor shall have the same powers and duties as devolve by law upon such officers in towns, except that he shall not have power to draw orders on the city treasurer, but shall be supplied with money for the purposes of his office by warrant drawn on said treasurer, in pursuance of an appropriation by the city council, in the same manner as other warrants on that officer.

The cemetery commissioners shall have the management and control of the public cemeteries of the city, as is provided by the general laws of the State respecting cemetery commissioners, subject to the orders and ordinances of the city council. The cemetery commissioners shall hold office for the term of three years from the first day of April next following their appointment, and one shall be appointed annually at the annual appointment of city officers by the board of aldermen.

The board of aldermen shall have the same powers and shall proceed in the same manner, in respect to the establishment or enlargement of public burial grounds within said city, as is con-

ferred by the general laws of the State upon selectmen, subject to the same right of appeal from their decision.

The auditors shall annually audit the accounts of the city treasurer, overseer of the poor, superintendent of streets, and superintendent of the city water-works, city liquor agent, city attorney, and any other accounts which the board of aldermen shall submit to them for audit, and shall report thereon to the board of aldermen.

The superintendent of the city water-works shall have the care and management of the city water-works, and shall at all times be subject in respect thereto, to the orders of the city council.

The city engineer shall make all public surveys of the streets and public grounds of the city, and shall perform such other services as may be required by the city council.

The board of health shall have all the powers by law invested in selectmen of towns for the preservation of health and the abatement of nuisances, and the removing of other causes injuriously affecting health, under the direction of the city council, and shall have power, in times of epidemic or of threatened existence of general diseases of any kind, to adopt and enforce summarily such sanitary measures and regulations as they shall deem fit. And any person who shall disobey any lawful order of such board of health shall be punished by fine, such as shall be provided by the city council for such cases.

SEC. 14. The city council shall establish a fire department for said city and shall, by ordinances, determine of what officers and members said department shall consist, prescribe the time and mode of their appointment and removal, define their powers, duties and periods of service, fix their compensation and make such other regulations regarding their conduct and government as they deem expedient. The city council may, by ordinance, make regulations concerning the management of the conduct of all persons present at fires, the removal and protection of property, the examination of any building or place where combustible material or substances are supposed to be kept or deposited, the removal of such material and substances and the adoption of other suitable safeguards against fires and the loss or destruction of property by reason of same. Said city may procure and hold such land, buildings, furniture, engines and other apparatus as may be necessary for the purposes of the fire department, and the city council may, by ordinance, make regulations regarding the use, control and preservation thereof.

SEC. 15. A city judge shall be appointed by the governor from among the freemen of the city, as provided in No. 73 of the acts of the General Assembly of this State for the year 1890. The city judge shall be judge of the city court, which shall be a court of record, and shall have a seal, and said judge shall be subject to all the provisions of said act No. 73, of 1890. The city judge shall appoint a clerk of the city court and may remove him at pleasure.



The clerk of said court shall be entitled to receive the sum of 50 cents for recording each case in said court, and the same fees for copies of records as are allowed by law to clerks of county court, and such additional compensation as may be allowed him by the city judge out of his salary. The city court shall be open at all times, and shall be held by the city judge, except that in case of his absence from the city, or disqualification or inability to serve, the board of aldermen may appoint from among the justices of the peace in said city some one of them to act in his place, and hold said court, during such absence or disability, or in any case in which such judge is disqualified; and such justice of the peace, so acting and holding said court, shall have and exercise all the powers of the city judge.

The city court shall have jurisdiction of all actions of a civil nature, including replevin and trespass on the freehold, if either of the parties reside in said city at the time of the commencement of the action, or if neither party reside in the State at such time, where the debt, damage or value of the goods and chattels replevied or other matters in demand, does not exceed \$500, but nothing herein contained shall affect the original jurisdiction of the county court, as now provided by law; provided, that the provisions of section 905, of the Revised Laws, in regard to the town in which writs in certain suits therein described shall be made returnable, shall apply to said city court. The city court may try and determine all prosecutions for such criminal offenses committed within the county of Rutland as are not punishable by death or imprisonment in the State prison, except offenses within the jurisdiction of a justice of the peace to try and determine, which are committed without said city, by a respondent residing without said city. The city court is empowered to cause to be apprehended and committed to prison, or bound over with sufficient sureties for trial by the county court, all persons charged with crimes committed in said county, exceeding its jurisdiction to try. The city court shall have exclusive original jurisdiction of all complaints and prosecutions for violations of city ordinances and by-laws. In all prosecutions in which, by law, a sentence of imprisonment in the county jail may be rendered, the city court may, in its discretion, render a sentence of imprisonment at hard labor in the house of correction, for a term not exceeding six months. In all criminal cases before said court, there shall be the same right of appeal to the county court as is secured by law in criminal causes before a justice of the peace, and such appeal shall be taken in the same manner, and under the same regulations as in criminal causes before a justice of the peace. From the judgment of the city court in all civil cases, excepting as hereinafter provided, an appeal may be taken to the county court under the same regulations as are provided for an appeal from the judgment of a justice of the peace in civil actions. No appeal shall be allowed in either of the following cases:

First—When judgment was rendered by non-suit or default.

Second—In actions where neither the *ad damnum* in the plaintiff's writ, nor the sum demanded by the declaration, nor the specification or the exhibits on trial, shall exceed the sum of \$50, excepting actions for fine or penalty, actions of trespass on the freehold, actions in which the legality of the assessment or collection of any tax is concerned, and actions where the defendant pleads in offset any *bona fide* demand or demands exceeding the sum of \$50, and actions where the defendant *bona fide* pleads the authority of any court, civil or military, in excuse or justification; or where the defendant shall *bona fide* plead, in excuse or justification, that he was acting as public officer, under or by virtue of any tax bill or military warrant; except that either party, in any action for the recovery of any subscription to the capital stock of any corporation, may appeal, and in all cases where the title to land is concerned, either party may appeal.

Third—In actions of replevin for property, the value whereof, as fixed by the appraisers, does not exceed \$20.

Fourth—In criminal prosecutions, where the respondent is acquitted.

In all prosecutions for criminal offenses within the jurisdiction of the city court to try and determine, and in all civil cases before said court, exceptions to the decisions of said court, upon questions of law, may be taken to the supreme court in the same manner and under the same regulations as provided by law for exceptions from the county court to the supreme court in criminal and civil cases, respectively. But no such exceptions shall be allowed when an appeal is taken to the county court.

When any person shall be in actual confinement in the jail of Rutland county, by virtue of a complaint for any crime or misdemeanor alleged to have been committed in said county, the city court shall, upon the application of such person, order the State's attorney of said county to file an information against such person; and said court shall have the same powers and perform the same duties, and under the same regulations as are prescribed in sections 1637, 1638, 1639 and 1640, of the Revised Laws, for cases where such application is made to the supreme court in said county.

The city judge shall receive a salary of \$300 per annum, to be paid by the State treasurer, and, in addition, shall be entitled to the fees taxed for him as costs in the city court, according to law, and shall also receive a fee of \$1.50 in full of all fees, in naturalization cases, to be paid by the person naturalized, and such naturalization shall be in accordance with the statutes of this State, subject, however, to the provisions of No. 73, Acts of 1890.

In all cases, both civil and criminal, before the city court, the city judge, and parties, shall be entitled to tax and receive double the costs allowed by law to justices of the peace, and parties respectively, in suits or prosecutions before justices of the peace.

The city judge shall also be entitled to tax and receive the sum of \$1 for each bill of exceptions allowed and signed by him; he shall also fix the amount to be paid to the clerk of the city



court as his additional compensation, from and out of his salary as city judge. Criminal prosecutions before said court may be brought by the State's attorney, city attorney and any grand juror in said county; but all prosecutions for a breach of any city ordinance shall be brought solely by the city attorney; but in the absence of the city attorney from the city, from or by reason of his inability to serve, prosecutions for breach of city ordinances may be brought by a city grand juror, in the city court, and prosecutions for criminal offenses may be brought by the city attorney before justices of the peace, and the city attorney shall, in all cases, be subject to all and the same penalties and liabilities for any neglect or violation of official duty as are or shall be imposed by law upon State's attorneys for similar offenses.

In all criminal prosecutions in said court, the prosecuting officer shall be entitled to tax and receive the same fees provided by law for town grand jurors. All fines, penalties, and forfeitures recovered in said court shall be paid to the city judge, and by him into the city treasury, excepting in cases where, by law, express provision to the contrary is made; and when any mittimus shall be issued by the city court in any cause where a fine shall have been imposed, and made payable to said city, or where a penalty shall have been imposed, in which said city is interested, the clerk of the court shall take from the officer to whom the mittimus shall be delivered, a receipt therefor, and immediately transmit or deliver the same to the city treasurer; and whenever any justice of the peace in said city shall issue a mittimus in any cause, where the fine or penalty imposed by him is payable to, or in which the city may be interested, he shall take from the officer to whom such mittimus shall be delivered, a receipt therefor, and immediately transmit or deliver the same to the city treasurer.

In all criminal causes in said court, where the fine and costs are payable to the State, the costs shall be audited and paid as is now provided by law, and in criminal causes in said court, or before a justice of the peace in said city, where the fine and costs shall be payable to the city, the cost shall be audited as now provided by law and the city treasurer shall disburse to the officers and witnesses the respective costs belonging to them. In all prosecutions for nuisances the city court shall have power, subject to such restrictions as may be prescribed by the city council, in a summary manner to order such nuisance to be abated and removed, and to issue such warrants as shall be necessary to carry such orders into effect.

Said city court shall have all the powers granted by law to justices of the peace in the county of Rutland, and the judge of said court shall be authorized to perform the duties required by law to be performed by justices of the peace; all existing provisions of the law applicable to proceedings before justices of the peace, and the effect thereof, shall apply to said city court, except that in trials by jury it shall be the duty of the city judge to instruct the jury on questions of law, and that there shall be no trial by jury

in said court except in civil actions, and with the further exceptions, and that writs of mesne and final process, and mittimuses returnable to said court, and that may be signed either by the city judge or the clerk of said court, and that all affidavits under section one thousand four hundred and seventy-eight, of the Revised Laws, may be filed either with the judge or the clerk of said court; provided, that all hearings under section one thousand four hundred and seventy-nine, of the Revised Laws, shall be had before the city judge. Whenever the city judge shall be unable to attend at the time appointed for the trial of any cause, the clerk of the court shall continue the same for a period not exceeding three months; and the death, resignation, removal from the city, permanent inability to serve, or expiration of the term of office, on the part of the city judge, shall not cause a discontinuance or transfer to another jurisdiction of any cause pending in said city court, but the same shall continue pending in said city court, and be tried and disposed of by his successor in office. And when any judgment shall have been rendered by said court in any action upon default, and the defendant or any trustee therein shall have been unjustly deprived of his day in court, by fraud, accident or mistake, or such defendant shall have been unjustly deprived of a hearing in the assessment of damages in any action, or when a party of trustees shall have been prevented from entering an appeal from the judgment of said court, by fraud, accident or mistake, the city court may, on the petition of the person aggrieved, in its discretion, and on such terms and conditions as such court shall judge reasonable, reverse and set aside such judgment and proceed to hear, try and determine such action, and make all necessary orders therein, in the same manner as if no judgment had been rendered; and shall be entitled to the same fees as on trial.

No petition shall be sustained under the foregoing provisions unless brought within two years next after the rendition of such judgment, and when brought, the same verified by oath, with a citation annexed thereto, signed by the city judge, shall be served upon the adverse party at least six days, and not more than thirty days, before the time appointed in such citations for trial.

The city judge, on signing such citation, shall take sufficient surety by way of recognizance to the adverse party, which shall be minuted on such citation, conditioned that if the petitioner shall fail to prosecute his petition to effect, or finally to recover in such action, he will pay to the adverse party all intervening damages and costs that shall have accrued to him by reason of such petition being preferred.

The city judge, from a consideration of the facts set forth in such petition, and verified as aforesaid, may, in his discretion, order a stay of proceedings on such judgment, whether execution shall have issued or not, until a final decision shall be made on such petition.

And the city court shall have the same power over its judg-



ments, records and proceedings as is now vested in the county court by statute or common law, and may exercise, in connection therewith, all the powers of courts of record at common law.

In case of death, resignation, removal from the city, or permanent inability to serve, on the part of the city judge, his office shall be filled by appointment of the governor from among the legal voters of the city. The city judge shall have power to take affidavits and depositions to be used in any court in the State, and also to take acknowledgments of deeds and other conveyances of lands, or any estate or interest therein.

And the city judge is further authorized and empowered to perform all the duties required to be performed by judges of the supreme court under and by sections one thousand and thirty-seven, one thousand and thirty-eight and one thousand and thirty-nine, of the Revised Laws, and shall have and exercise in such cases all the powers conferred upon judges of the supreme court by said sections.

The clerk of said court shall be the recording officer thereof, and shall furnish to any person, on demand and tender of the legal fees, certified copies of any of the records, proceedings or minutes of such court, under the seal thereof.

From and after the first day of April, A. D. 1893, the municipal court for the village of Rutland is and shall be abolished, and all writs, complaints, petitions and proceedings then pending therein are hereby directed to be transferred into the city court hereby constituted, and said city court is hereby given full jurisdiction and authority to hear, try and determine said causes and matters so removed and transferred to it from the said municipal court that it would have to try and determine the same matters and causes if originally brought in said city court after its organization under this act.

The judge and clerk of said municipal court are hereby directed to pass over to the judge and clerk of said city court all files, records, books, property, papers and stationery of said municipal court immediately after the organization of said city court, as well as actions, suits and proceedings heretofore determined in said municipal court, as in pending matters, and the judge and clerk of said city court shall have all the power and jurisdiction of the judge and clerk of said municipal court to issue final process on judgments rendered by said municipal court in all criminal and civil cases, and the records of said municipal court, when certified by the judge or clerk of the city court, under its seal, shall be received in evidence in all courts, and have the same effect they would have if certified by the clerk of said municipal court during his term of office.

SEC. 16. The ward officers shall be a clerk and three inspectors of election, one of said inspectors to be taken from that minority party casting the largest vote at the election next preceding, who shall be chosen by the legal voters of each ward at the annual city election; also any other officers required by the laws of this State

for each polling place at an election. They shall be sworn to the faithful discharge of their respective duties and shall hold their offices until their successors are chosen and qualified. They shall be paid such compensation as shall be voted them by the city council. In case there is no representative of the minority party herein provided for on the board of inspectors of elections of any ward, the board of aldermen shall, before any election is held in such ward, declare a vacancy in the third inspector's place in such ward and shall proceed to fill such vacancy from that minority party of such ward herein referred to. In case of a vacancy in any ward office occasioned by death, removal from the city, resignation or inability to serve, the same shall be filled by the board of aldermen. All elections shall be conducted as near as may be under existing statutes governing elections in towns; the place for holding an election in each ward shall be a polling place.

SEC. 17. In case of a vacancy in the office of mayor, occasioned by death, resignation, removal from the city, or permanent inability to serve, the president of the board of aldermen shall act as mayor for the remainder of the mayor's official term; and in case of any vacancy in the board of aldermen, from any of the above-mentioned causes, the same shall be filled by a new election in the proper ward, and if any alderman shall remove out of the ward for which he may have been elected, to some other ward of said city, his office shall thereby become vacant on the first day of April next following the first annual election after such removal, and his successor may be elected to fill such vacancy at the annual city election next after such removal.

SEC. 18. Male citizens of this State of the age of twenty-one years and upwards, whose list shall have been taken for purposes of taxation in said city, at the annual assessment next preceding any election of city officers therein, or who are exempt from taxation for any cause, and who shall have resided in said city for one year next preceding any such city election, shall be legal voters at such city election, and no other person shall be allowed to vote at any such election. Every such voter shall vote only in the ward of which he is at the time an inhabitant, and he shall not vote in any ward in which he has not resided for thirty days preceding any such election. It shall be the duty of the assessors, in preparing the annual lists of the inhabitants of the city, to designate therein the number of the ward of which each person listed is an inhabitant. It shall be the duty of the city council to prepare full and complete lists in the respective wards of said city, of the names of those who voted at the preceding annual city election and no others. One copy of such lists shall be posted in some public place in the respective wards to which the voters whose names are on such list belong, and one copy in the office of the city clerk, at least twenty days previous to such election by or under the direction of the city clerk. The city council shall meet to make additions, alterations and corrections to said lists in the manner pro-



vided by this section, but no name shall be added except upon the personal application of the voter made to the city council. The names stricken from said lists shall be posted in the city clerk's office, but no name shall be stricken from the lists on the last day of the meeting to make additions, alterations and corrections, and no meeting of said city council for the correction of such lists shall be held later than five days previous to the day of any such annual or special city or ward election. After the completion of the check lists of voters, as aforesaid, a true copy of the same shall be made by the city clerk and delivered to the inspectors of election in the several wards, for use at such annual or special city or ward election, and no person whose name is not on such list shall be allowed to vote at any city or ward election. The penalties for illegal voting at any city or ward election are hereby prescribed as provided by law for illegal voting at freemen's meetings. And whenever any check list of voters shall be posted in said city a notice shall be written or printed thereon, signed by either the mayor or the city clerk, setting forth the time and place that the city council will meet to make additions, alterations or corrections of said list, which time and place shall be previously determined by the city council. It shall be the duty of the city clerk to cause the original of each and every check list of voters at any time ordered to be posted by the city council of said city, to be filed in his office with his certificate thereto attached, that true copies of such lists have been posted as directed by the city council, together with the time and place in said city where the same were posted, which certificate shall be *prima facie* evidence of the fact.

SEC. 19. The mayor, treasurer, constable and the alderman, to be elected in each ward, in that year, and ward officers, shall be elected annually on the first Tuesday of March, except as in this act is otherwise provided; and they shall hold their offices for one year and until their successors are elected and qualified, except the aldermen, who shall hold their offices until the second year following, except as is otherwise provided in this act.

The annual election shall be held in the several wards at nine o'clock in the forenoon, at such place as shall be designated in the warning therefor, and the polls shall be kept open until four o'clock in the afternoon of the same day. Every election of city officers shall be by ballot, and a plurality of votes shall be sufficient for an election. It shall be the duty of the clerks of the several wards to keep a record of all elections held therein, and to furnish to each officer who may be elected for such ward, including aldermen, a certificate of his election, and also, immediately after any election in such ward, to return to the city clerk a statement of the votes for all officers in his ward, which statement shall be recorded in the city records, and a certificate by the city clerk of the result of such election in the whole city shall be forthwith published in the various newspapers of the city.

It shall be the duty of the inspectors of election to be present and preserve order at all elections in their respective wards, to de-

cide all questions relative to the right of any person to vote at such election, and to sort and count the ballots, and to publicly announce the result to the voters present. The inspectors shall select one of their number to preside at each election.

SEC. 20. After the organization of said city, all warnings for annual or special ward meetings for the election of city or ward officers, and for general meetings of all the legal voters of the city, for raising special city taxes, or for any other purpose, shall be issued by the mayor and published in the manner and for the length of time designated in the by-laws of the city. The mayor shall issue a warning for a general meeting of the legal voters of the city, for any constitutional or legal purpose beyond the jurisdiction of the city council, to be set forth in such warning, whenever so requested in writing by thirty legal voters.

SEC. 21. Freeman's meetings for all purposes provided by the laws of the State shall be warned by the mayor, and one copy of such warning, signed by the mayor, shall be posted in each ward of said city. Such meetings shall be held in the respective wards, and each freeman shall vote only in the ward of which he is an inhabitant at the time of the completion of the check list of the voters therefor. Check lists of voters in the respective wards at each freeman's meeting shall be prepared, posted and corrected, and furnished to the inspectors of election in the respective wards. And elections at such freeman's meetings shall be conducted as provided in section fourteen of this act—in respect to city elections—and no person whose name is not on such check list shall be allowed to vote at any freeman's meeting. The person receiving a majority of the votes cast for representative of the city to the General Assembly shall be such representative. The check lists required by the general laws of the State to be posted before any freeman's meeting, shall not be required to be so posted in said city more than twenty days prior to such meeting. The inspectors of election in the several wards shall perform the same duties in regard to certifying the result of elections for State and county officers, including justices of the peace and senators, in their respective wards, as now devolve by law upon the presiding officers of freeman's meetings in towns; and in addition thereto, they shall certify such result to the city clerk, who shall keep a record thereof. Such inspectors of election shall, immediately after any election for representative of the city and senators to the General Assembly, and also members of Congress, and of presidential electors, whenever elections for such shall have been held in said city, certify the result of such election in their respective wards to the city clerk, who shall make a record thereof; and such city clerk shall furnish to the person receiving a majority of the votes for such representative in the whole city a certificate of election, as is provided by law to be furnished by the presiding officers of freeman's meetings in towns. The city clerk shall, immediately after receiving from the inspectors of elections, the certificates



above mentioned of the result of such elections in their respective wards, certify back to such inspectors in each ward the result of the election for city representative in the whole city; and the freeman's meetings in each ward shall be held open until such result shall have been so certified back, and such result shall be announced by such inspectors to the freemen present; and if no person shall have received a majority of all the votes in the city for representative, the freemen shall proceed to vote again in their respective wards for such representative as aforesaid, and the result shall be certified to and by the clerk as aforesaid, and so on from time to time successively, until an election shall be made; and at each successive balloting after the first, the box shall not be turned until three hours from the time of opening the box at that balloting. In all respects not inconsistent with this act the provisions of the statutes of the State respecting freeman's meetings shall apply to such meetings in said city.

SEC. 22. For the enacting of all ordinances and by-laws, and the transaction of any other business provided to be done by the city council, the action of the board of aldermen shall require the approval of the mayor, except as herein otherwise provided. If the mayor shall approve any ordinance or by-law, or any resolution or vote of the board of aldermen in respect to the business above referred to, he shall sign the same; if not, he shall return it, with his objections in writing, to the board of aldermen at their next regular meeting after it shall have been presented to him, provided he shall have not less than two weeks to consider such ordinance, by-law, resolution, or vote, as aforesaid. The board of aldermen shall then proceed to consider such ordinance, by-law, resolution, or vote, and if, upon such re-consideration, two-thirds of the whole number of aldermen shall vote in favor of the same, it shall be valid and take effect, notwithstanding the objection of the mayor. If any such ordinance, by-law, resolution or vote shall not be returned by the mayor to the board of aldermen at their next regular meeting, after the period of two weeks has elapsed after he shall have received it, the same shall be valid and take effect without his approval. The board of aldermen shall meet regularly on the first Monday of each month, and as much oftener as they shall be convened by the mayor.

Personal notice of all meetings except the regular meeting above provided for shall be served on each alderman, either by the mayor, or by the city clerk under his direction, or by the city clerk on petition signed by a majority of the members, filed with him.

All meetings of the board of aldermen shall be public, except when assembled for executive business.

SEC. 23. Every ordinance, order, resolution or vote of the board of aldermen involving the appropriation or expenditure of money, shall, before being put upon its final passage, have at least two separate readings and those readings shall not both occur upon the same day.

SEC. 24. The city council shall have power to make, establish, alter, amend or repeal ordinances, regulations and by-laws, not inconsistent with this act or with the constitution or laws of the United States or of this State, for the following purposes, and to inflict penalties for the breach thereof:—

(1) To establish and regulate a market, and to regulate the selling or peddling of meat, fish or other provisions from vehicles about the city.

(2) To restrain and prohibit all descriptions of gambling, and for the destruction of all instruments and devices used for that purpose.

(3) To regulate the exhibitions of common showmen, and shows of every kind not interdicted by law and to regulate, restrain or license itinerant venders and peddlers.

(4) To prevent riots, noises, disturbances or disorderly assemblages.

(5) To abate and remove nuisances, and to restrain and suppress houses of ill-fame and disorderly houses.

(6) To compel the owner or occupants of any unwholesome, noisome or offensive house or place, to remove or clean the same from time to time, as may be necessary for health or comfort of the inhabitants of said city.

(7) To direct the location and management of all slaughter-houses, markets, steam-mills, blacksmith shops, sewers and all private drains, and to compel the construction of drains within the limits of the city, under such inspection regulations as the city council may adopt.

(8) To regulate the manufacture and keeping of gunpowder, ashes, and all other combustible and dangerous materials.

(9) To regulate the making of alterations and repairs of stove-pipes, furnaces, fire-places and other things from which danger of fire may be apprehended, and also to regulate the use of buildings in crowded localities for hazardous purposes; to provide for the preservation of buildings from fires by precautionary measures and inspections; to regulate the size, height and material of new buildings to be constructed in the city, or in certain prescribed localities therein, and to establish and regulate a fire department and fire companies.

(10) To prevent immoderate riding or driving in the streets, and cruelty to animals.

(11) To regulate the erection of buildings, and prevent encumbering the streets, sidewalks and public alleys with firewood, lumber, carriages, boxes or other things, and provide for the care, preservation and improvement of public grounds.

(12) To restrain and punish vagrants, mendicants and common prostitutes; to make regulations respecting paupers.

(13) To restrain or regulate the running at large of cattle, horses, swine, sheep and goats, and to regulate or restrain the running at large of dogs. And in addition to the tax now imposed by law upon the owners or keepers of dogs, to impose upon or require



of the owner or keeper of any dog or dogs such additional tax or license fee for the keeping thereof, and prescribe such penalties in default thereof as may be deemed necessary. And all moneys received hereunder shall be paid into the city treasury and belong to said city.

(14) To provide a supply of water for the protection of said city against fire and for other purposes and to regulate the use of the same; and to establish and maintain reservoirs, aqueducts, water pipes, hydrants or any other apparatus necessary for such purposes, upon, in, and through the lands of individuals and corporations, on making compensation therefor; and in taking such lands for such purposes said city council shall proceed in the same manner as selectmen of towns are authorized by law to proceed in taking of lands for highways; and the same right to appeal to the county court from the decision of the city council in taking such lands and in awarding land damages shall be allowed; and such appeal shall be taken in the same manner as is provided by law from the decision of selectmen in such matters, except that such appeal, if taken from the appraisal of damages only, shall not prevent the said city from proceeding with its works as though no such appeal had been taken; but the city council in providing such supply of water and establishing and maintaining reservoirs, aqueducts, water pipes, hydrants and other apparatus, as hereinbefore provided, shall be subject to the provisions and be under the restrictions, as to assessing taxes and raising money therefor provided in section fourteen of this act.

(15) To regulate and determine the time or place of bathing in any of the public waters within said city, or adjacent thereto, and to prevent the same.

(16) To compel all persons to remove from the sidewalk and gutters in front of the premises owned or occupied by them, all snow, ice, dirt and garbage, and to keep such sidewalks and gutters clean, and to compel the owners or occupants of any land or premises in the city to cut and remove from the streets and sidewalks in front of such land or premises, all grass, thistles and weeds growing or being thereon, under such regulations as may be prescribed therefor.

(17) To license inn-keepers, keepers of saloons, victualing houses, billiard saloons and auctioneers, under such regulations as shall be prescribed therefor; and all moneys paid for such licenses shall belong to the city and be paid into the city treasury.

(18) To regulate or restrain the use of rockets, squibs, fire-crackers and other fireworks, in the streets or commons, and to prevent the practicing therein of any amusements having a tendency to injure or annoy persons passing therein, or to endanger the security of property.

(19) To regulate gauging, the place and manner of selling and weighing hay, packing, inspecting and branding beef, pork and produce and of selling and measuring wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

(20) To license porters, cartmen and owners or drivers of hackney coaches, cabs, or carriages and to regulate their fees and prescribe their duties.

(21) To prescribe the powers and duties of watchmen and policemen of said city.

(22) To regulate, establish and alter the grade of streets and width of sidewalks and the construction thereof, and to prescribe the material to be used therein, and also to provide, order and direct that the sidewalks upon such streets as the city council shall designate, shall, together with the curbing therefor, be constructed in whole or in part at the expense of the owner or owners of the lands or buildings adjacent thereto; and in case any such owner or owners shall neglect, refuse or omit to construct such sidewalk in the manner, within the time, and of the material prescribed by the city council, the street commissioners are hereby authorized and empowered to construct the same and to assess the lands or buildings of such owner or owners so neglecting, refusing, or omitting as aforesaid, adjacent to or abutting on any such sidewalk so constructed by said street commissioners, the cost or expense thereof; such assessment to be apportioned among the owners of said lands or buildings fronting as aforesaid according to their frontage on said sidewalk; to be made in the manner and in accordance with section three, of highways; such of this act, relating to the manner of assessments for the laying out or altering assessments [highways] when made and recorded in the office of the city clerk of said city shall be and remain a lien upon such lands or buildings, in the nature of a tax, and may be enforced and collected in the manner prescribed for the collection of assessments in said section three.

(23) To provide for lighting the city.

(24) To prohibit and punish willful injuries to trees planted for shade, ornament, convenience or use, public or private; and to prevent and punish trespasses or willful injuries to or upon public buildings, squares, commons, cemeteries or other property.

(25) To establish and maintain a public library.

(26) To regulate the burial of the dead, the keeping, returning and preserving statistics of deaths and burials, also the returning and keeping a record of all births and marriages.

(27) To regulate the examination of the land and other public records and documents of the city, by individuals, as may be necessary for the security and preservation of the same.

(28) To manage and control the public places, parks and commons in said city, and to regulate the use of the same by the public, and to prevent and punish trespasses, or willful injuries to or upon any fountain, shade, or ornamental tree or shrub, building or structure placed therein, by or under the order of the city council, in such a manner as shall not be inconsistent with the laws of this State.

(29) To regulate, or prohibit, the suspending or putting up of any sign or awning in or over any street, lane, alley, common or



other public place in the city; and whenever the public good may require, to order and direct that any sign or awning heretofore erected or suspended, as aforesaid, shall be taken down or removed.

(30) To compel reports of contagious and infectious diseases and those of a pestilential nature, from physicians, surgeons and others.

(31) To compel the registration of physicians, or others practicing medicine, surgery or midwifery.

(32) To prescribe rules for the placing of poles, wires and electrical conduits in, over and under the streets of the city, and to regulate their use. And said city council may make and establish and the same alter, amend or repeal any other by-laws, rules and ordinances which they may deem necessary for the well-being of said city, and not repugnant to the constitution or laws of this State, all of which by-laws, regulations and ordinances shall be duly published in one or more newspapers of this city, to be prescribed by the city council at least twenty days before they take effect.

SEC. 25. No fine shall be imposed for violation of any city ordinance exceeding \$50, provided that when it may be necessary to abate a nuisance the expense of the abatement may be imposed on the delinquent in addition to said fine, and if any person shall violate any city ordinance or by-law he may, on conviction thereof, be imprisoned in the common jail of Rutland county, or at hard labor in the house of correction, for a term not exceeding sixty days, in addition to, or in lieu of, said fine, in the discretion of the court, and be subject to an action for damages. If the delinquent shall neglect to pay any fine and costs legally imposed on him, he shall be committed to such jail, or house of correction, until the sentence is complied with, or he shall be otherwise legally discharged from such imprisonment. Provided, however, that the city council shall have the power to regulate and establish the penalties for the violation of such city ordinances as they may enact.

SEC. 26. The city council may authorize the sale or lease of any real or personal estate belonging to the city, and all conveyances, grants or leases of any such real estate shall be signed by the mayor, and be sealed with the city seal.

SEC. 27. No money shall be paid out of the city treasury, except upon warrant, signed by the mayor and approved by the board of aldermen, such approval to be authenticated by the city clerk. A full record of all expenditures shall be kept, and a clear statement of all receipts and disbursements of city moneys, and of the affairs of the city generally, shall be annually published, under the direction of the mayor, at least two weeks before the annual city election.

No city official shall be directly or indirectly interested in any contract with the city.

All contracts and purchases exceeding in amount the sum of two hundred dollars shall be made by inviting bids or proposals therefor, under seal, which bids or proposals shall be publicly opened by the council and announced and awarded to the lowest bidder, with the right to reject for cause.

SEC. 28. The mayor shall assess on the grand list of the city all State and county taxes. The highway tax for the city shall be collected in money. Warrants for the collection of State and county taxes shall be signed by the mayor or a justice of the peace in the city. The city council may, in addition to the taxes required by law to be raised upon the grand list of the city, annually assess upon such grand list a tax for city purposes, which shall not exceed one hundred fifty cents upon the dollar thereof, exclusive of the tax for the support of schools, except when authorized by the legal voters of the city in general meeting assembled. And said city council may also annually assess upon the grand list of the city a tax not exceeding fifteen cents upon the dollar thereof, the proceeds of which said tax shall be applied to the sinking fund, for the redemption of the bonded debt of the city. The money raised by taxation, from fines and from other lawful sources, shall constitute the entire sum from which appropriations and payments are to be made, according to law, by or under the authority of the city council; and the credit of the city, other than by temporary loans, not exceeding seventy-five cents on the dollar of the grand list of the city for the time being, shall not be pledged except by authority of the legal voters of the city.

SEC. 29. The mayor and board of aldermen shall constitute the board of civil authority for the city, and in conjunction with the assessors, shall constitute a board for the abatement of taxes. All meetings of the board of civil authority and of the board for the abatement of taxes, shall, on application, be appointed and notified by the mayor, in the manner prescribed by law for appointing and notifying the meeting of the board of civil authority in towns. The city clerk shall be clerk of the board for the abatement of taxes and of the board of civil authority.

SEC. 30. At any meeting of the board of aldermen in the month of February, they shall agree upon such number of grand and petit jurors as they shall judge will be the proportion of the city to attend the county court for the year ensuing, to be drawn as provided by law in the case of towns.

SEC. 31. There is hereby established in said city a board of school commissioners, one for each ward, to be elected as herein-after stated.

The annual election of school commissioners shall be held on the last Tuesday in June in each year at seven o'clock P. M., and the polls shall be kept open for two hours. At the first election held under this section commissioners in wards 1, 3, 8 and 10 shall be elected for one year; in wards 2, 4, 6 and 9 for two years,



and in wards 5, 7 and 11 for three years; and annually thereafter school commissioners shall be elected in the wards where the term of commissioner is about to expire for three years from July first following and until their successors shall be chosen. The warning for election of school commissioners, the qualifications of voters, the making of the check lists and the conduct of elections shall be under the same rules and regulations as herein provided for holding the annual city elections.

The city council shall fill any vacancy on the board of school commissioners, occasioned by death, resignation, removal from the ward, or other disability.

Said board shall elect one of their number to serve as president of the board, shall appoint a clerk, and a majority of their number shall constitute a quorum for the transaction of business. Such board shall have the care and custody of all the property belonging to, or used for, the several public schools of the city; shall employ teachers and fix their compensation; shall have the management and control of all the public schools of the city; examine and allow all claims arising therefrom, and draw warrants for the payment of such claims upon the city treasurer. But they shall not incur liabilities in behalf of the city, exceeding in the aggregate in any year such a sum as would be raised by a tax of fifty cents upon the dollar of the grand list of the city, except when so authorized by the legal voters of the city.

They shall have in general all the powers and authority, and perform all the duties pertaining to the offices of prudential committee and clerk of school districts not inconsistent with the system hereby established; they may establish graded schools and provide for the instruction of the scholars in the sciences and higher branches of a thorough education, and establish such by-laws and regulations for carrying out the powers herein granted as are consistent with this act and the laws of this State.

They shall be sworn by the mayor to the faithful discharge of their duties, hold meetings as often as necessary to fulfill their duties, and keep a record of all their proceedings in books provided for that purpose. They shall receive no compensation for their official services.

They shall, annually, appoint the superintendent of schools, who shall not be a member of the board, and fix his compensation, which shall be paid by the school commissioners in the same manner as other expenses arising from the support of schools; and for causes of incapacity, negligence, or misconduct, they may remove such superintendent of schools from office, and they shall fill all vacancies in such office arising from any cause. Such superintendent shall perform all such duties in connection with the public schools of the city as shall be assigned him by the board of school commissioners. He shall annually report to the city council such statistics as are now required by law, and such other information

as the school commissioners shall direct. He shall hold his office for one year from the time of his appointment, and until his successor shall be chosen and qualified.

The city treasurer shall keep a separate account of all the moneys appropriated for the use of schools, which moneys shall consist of the income of the United States deposit fund, and of the town school fund, the income of any money or other property donated by any person to said city for the use of schools, and all money appropriated by the city council for that purpose; and the city treasurer shall pay, out of any moneys mentioned in this section, all warrants drawn by the board of school commissioners for the use of schools.

The city council shall annually appropriate for the use of schools such sum, not exceeding the amount which would be raised by a tax of fifty cents upon the dollar of the grand list of the city (except when so authorized by the legal voters of the city) as shall be recommended by the board of school commissioners; and shall annually assess a tax sufficient to meet such appropriation.

It shall be the duty of the city to provide and maintain suitable school houses for the accommodation of all the schools of the city, and the location, construction and sale of the same shall be under the control of the school commissioners, subject to the limitation hereinbefore mentioned, upon their power of incurring liabilities in behalf of the city.

All existing school districts in the city of Rutland are hereby abolished from and after the first day of July A. D., 1893, and the records and property thereof shall be turned over to the board of school commissioners of said city, and the said city shall receive and be entitled to all the property and be liable for all the indebtedness of said school districts. All statute laws of the State, not inconsistent with this act, having special reference to the existing graded school district, shall be continued in force, and the board of school commissioners shall be governed thereby, so far as applicable, in administering the affairs of their department of the city government.

The school district officers in districts 1 and 3 of the town of Rutland are hereby continued in office until July 1, 1893.

SEC. 32. All taxes, except State and county taxes, shall be assessed by the city council; and whenever any tax shall be assessed by the city council, the tax bill shall be delivered to the city treasurer, to whom the taxes, so assessed, shall be paid; and if, at the expiration of one month and eight days from the time said tax bill shall have been delivered to said treasurer, any taxes shall remain unpaid, the treasurer shall issue his warrant against such delinquent person, for the collection of such unpaid taxes, adding to each unpaid tax five per cent, and ten cents for each warrant,



which warrant shall be returnable to such city treasurer in ninety days from its date, and shall be addressed and delivered to the constable of the city, and it shall be the duty of such constable to collect all taxes legally imposed, contained in such tax bill, including such five per cent, and pay the same to the city treasurer, on or before the time when such warrant is made returnable, subject to such abatement of such taxes as may be made by the board for the abatement of taxes. The city council may extend the time for the collection and payment of such taxes, and five per cent, and the return of any such warrant by such constable, from time to time, as in their judgment shall be proper, not exceeding one year in the whole. Such constable shall have the same power and authority in the collection of such taxes and five per cent, and shall proceed in the same manner therein, and be under the same duties and liabilities, and have the same privileges in respect thereto as the general laws of the State now, or may hereafter, prescribe in regard to the collection of taxes by constables or collectors of taxes in towns, and he shall be entitled to the same fees for the service of such warrant on the respective delinquent tax payers named therein, and the collection of such taxes and five per cent, as collectors of such taxes are by law now entitled to when they levy on persons or estate, and such fees shall be collected by such constable of such delinquent tax payers, and shall be the only compensation of such constable for the collection and payment to the city treasurer of such taxes and five per cent. Public notice of the fact shall be given by the city treasurer when any tax shall be assessed by the city council, and the tax bill delivered to him by publication in all the daily and weekly newspapers published in said city for the period of eight days immediately succeeding the time when such tax bill shall have been delivered to the city treasurer. And in such notice the time shall be named when, according to this section, all unpaid taxes on such tax bill will be placed in the hands of the constable for collection as aforesaid.

The existing village of Rutland shall continue until the first day of April, A. D. 1893, except for the purposes of holding elections, at which time said village is and shall be abolished, and no election for village officers shall hereafter be holden in said village. All the powers given to said village or its board of trustees, not inconsistent with this act, under existing laws, are hereby continued to the city of Rutland, and shall be exercised by or under the authority of the city council.

SEC. 33. Whenever in the present existing statutes of this State, towns or town officers are referred to, all the provisions of such statutes shall be taken to apply to the city of Rutland and to the several officers thereof, corresponding respectively to like officers of towns (the office of alderman in said city corresponding to the office of selectman in towns), except so far as changed or modified by the provisions of this act, or by any legal ordinance or regulation of said city, and in all statutes the word "town" shall be construed as including said city, except as aforesaid.

SEC. 34. Whenever any publication in a newspaper, or other written notice or advertisement, is or shall be required by law to be made by the mayor, the board of aldermen, the city council, or any city officer, the city clerk shall examine and ascertain the fact whether such publication, notice or advertisement, has been duly made or given, and if such be the fact, he shall so certify upon the city records, and such record, or a duly certified copy thereof, shall be treated as *prima facie* evidence of the fact so certified.

SEC. 35. The city council shall establish rates to be paid for the use of water supplied by the city water-works, which shall be called service rates, and shall be collected and enforced under such regulations as the city council shall prescribe. Water shall not be furnished outside the city limits.

In addition to such "service rates" the city council may assess annually a water tax for the benefits conferred by the city water-works upon real estate situated on the streets through which the city water pipes may be laid, and opposite such pipes, and a hydrant tax for similar benefits upon buildings not opposite the water pipes, but within 1000 feet of any city fire hydrant. And such water and hydrant taxes may, in the discretion of the city council, be assessed either upon the valuation of such real estate and buildings (the real estate so assessed in no case to be more than twenty rods in depth), or on such real estate and buildings in proportion to their dimensions and frontage. The assessors, in making the annual grand list shall, if so directed by the city council, return with the grand list an appraisal, under oath, of such real estate and buildings.

The present board of water commissioners for the village of Rutland shall continue to hold their office until the first day of April, A. D. 1893, at which time their said office is abolished, and said water commissioners shall turn over to the city council all property records, surveys, pipes, hydrants and all reservoirs, matters and things belonging to said water-works of said village, and the city shall assume and become responsible for all indebtedness and liabilities of said village, or the said water commissioners, and shall meet and pay the same as said village or its water commissioners would be liable to meet and pay the same if this act was not passed. And all existing statutes relating to said water-works and water supply, not inconsistent with this act, are continued in force, and the city council shall have and exercise all the powers and rights given to said water commissioners by existing laws.

SEC. 36. The first election under this act shall be held on the first Tuesday of March, A. D. 1893, and the board of selectmen of the town of Rutland shall warn the meetings in the several wards, and prepare the check lists of voters, and perform all duties preparatory to the holding of said meetings that are required by the mayor, board of aldermen and other officers preparatory to holding an annual city election. The said board of selectmen shall also, in the warning for said meeting, state the time and place of meeting in each ward, and shall name the inspectors and election



officers required to preside and hold said meeting in each ward, and the town clerk of said Rutland shall perform all duties of the city clerk in recording and publishing the results of said election. All officers for the city and the wards thereof, elected at said first annual meeting, shall hold their offices from and after the day succeeding their election for one year, and until their successors are elected and qualified.

The selectmen of the town of Rutland shall, in the month of February, 1893, agree upon such number of grand and petit jurors as shall be the proportion of said city to attend the county court for the year ensuing.

All books of record, books of reference, etc., all papers and documents belonging to and kept by law in the town clerk's office in the town of Rutland, shall be deposited and kept in the city clerk's office, copies of which, duly certified by the city clerk, shall be legal evidence for all purposes for which they would have been evidence if said city had not been created, and they had been duly certified by the clerk of the town of Rutland.

If any officer of the town of Rutland, the village of Rutland, the Rutland graded school, the water commissioners, shall neglect or refuse to turn over and deliver any property, book, paper, document or other thing, that it is made his duty to turn over and deliver to said city of Rutland by this act, or refuse or neglect to make any conveyances, the supreme court, sitting in any county, may, upon the petition of the mayor of said city, enforce said duty by writ of mandamus, with costs, and in such petition and writ one or more persons may be joined, and no proceeding shall be abated or dismissed by reason of any misjoinder or non-joinders of parties, but any such petition, writ or proceedings may be amended as said court shall direct and the purposes of justice may require.

SEC. 37. Act number one hundred fifty-nine of the Laws of 1890, is hereby continued in force, and is made applicable to this act, by changing said act, so that wherever it reads "village of Rutland," or "town of Rutland," it shall hereafter read "city of Rutland," and the park commissioners therein provided for shall be continued, subject, however, to this act and the ordinances of the city; the common council shall have the same authority over any parks in said city that they have over the other departments of the city government.

SEC. 38. The inhabitants and estates within the town of Rutland and the owners of said estates shall be holden to pay the arrears of taxes which have been legally assessed upon them by either the town of Rutland, the village of Rutland or the Rutland graded school district, and all taxes heretofore assessed and not collected shall be collected and paid to the treasurer of the city of Rutland.

SEC. 39. The town of Rutland and the city of Rutland shall be respectively liable for the support of all persons who are now

paupers, who resided within their respective limits, and also in like manner for the support of all paupers now on the town farm of the town of Rutland who were sent there from within their respective limits.

SEC. 40. All contracts heretofore made by the town of Rutland for the making, building and keeping in repair of any road or roads, bridge or bridges, shall be assumed and fulfilled by the town of Rutland or the city of Rutland, respectively, in which such road or bridge is located.

SEC. 41. All the assets and property of the village of Rutland and of the town of Rutland, excepting school lands and rents, shall belong to and be transferred to the city of Rutland and all the debts, contracts and liabilities of the village of Rutland and of the town of Rutland shall be assumed, fulfilled and paid by the city of Rutland, except as herein otherwise provided; and the town of Rutland shall annually pay over to the city of Rutland its just proportion of all rents and income of school lands.

SEC. 42. The assets and liabilities of the city of Rutland which were transferred from the town of Rutland shall be apportioned on the basis of the grand list of 1892 belonging to the territory included within said city of Rutland and said town of Rutland, respectively. The share of the town of Rutland in the United States deposit fund of the city of Rutland shall be turned over to the town of Rutland by the city of Rutland. The total amount of the existing indebtedness of the city of Rutland on account of the town of Rutland, including outstanding orders, bonds and admitted liabilities, shall be ascertained; the real and personal property received from the town of Rutland, but not including memorial hall, shall be valued under the rule prescribed for the appraisal of property for taxation; the gross amount of such valuation shall be deducted from the said total indebtedness and the remaining balance of indebtedness shall be apportioned as first above provided; the share of said indebtedness to be assumed by the town of Rutland shall be paid by said town to the city of Rutland within thirty days after the result is determined. Such apportionment shall be made by the selectmen of the town of Rutland and the city council of the city of Rutland, and if said boards shall not be able to agree thereon within two months after the organization of the city of Rutland the presiding judge of the county court for the county of Rutland, on application of either of said boards, and on notice to the other party, shall appoint three disinterested commissioners to make such apportionment, whose decision, rendered on hearing of the parties after twelve days' notice, shall be final. All unliquidated and disputed claims, all pending suits and all suits that shall hereafter be brought upon causes of action originating prior to the time when this act shall take effect, in favor of or against said town of Rutland, shall be enforced and prosecuted by or against said city of Rutland in the same manner as it would have been by



or against said town of Rutland if this act had not been passed; and any and all moneys collected or damages recovered by or against said city, together with the expenses of litigation, if any, shall be apportioned and settled upon the basis first above provided; the town of Rutland receiving or paying its proportion thereof from or to the city of Rutland, as the case may be.

SEC. 43. The town of Rutland may borrow money and issue its orders, notes, bonds or coupons therefor for the purpose of funding any debt assumed under this act or otherwise; and the said city of Rutland shall have power to issue its orders, notes, bonds or coupons, for the purpose of consolidating and refunding any or all of the indebtedness of the said town and village of Rutland, or of the Rutland graded school district, assumed by it, in the manner prescribed in section two thousand seven hundred and seventy-five of the Revised Laws.

SEC. 44. This act shall be a public act, and may be altered, amended or repealed by the General Assembly, whenever the public good shall require.

SEC. 45. This act, for the purpose of calling the first election to be held under this act, and appointment of grand and petit jurors, shall take effect from its passage, and for all other purposes this act shall take effect on the first Tuesday of March, 1893.

Approved November 19, 1892.

No. 111.—AN ACT AMENDING AN ACT PASSED OCTOBER 23, 1788, ENTITLED, "AN ACT FOR INCORPORATING PART OF THE TOWNS OF NEW HAVEN, PANTON, AND FERRISBURGH," AND CONSOLIDATING AND AMENDING ALL AMENDMENTS THERETO AND REVISING THE SAME.

## SECTION.

1. Corporation, boundaries, name, rights.
2. Qualifications of voters in city meetings.
3. Annual city elections; special meetings, how called.
4. Officers to be elected at annual meetings; compensation of officers to be fixed by law or by vote of city.
5. Annual city meeting, opening of polls; officers, how elected.
6. Duties of mayor and city council.
7. Duties of clerk; powers and duties of sheriff and other officers.
8. Auditing accounts of officers; duties of auditors.
9. Officers to be appointed by the city council, their duties.
10. Power of city council in relation to streets and sidewalks; proceedings by persons aggrieved.
11. Ordinances, by-laws and regulations.
12. Corporation may assess taxes; city council a board for abatement of taxes.
13. Bonds of officers, vacancies on account of failure to give bonds.
14. Water rents, how collected; powers of superintendent of water works.
15. New corporation to assume bonded indebtedness of old corporation; city

## SECTION.

- may refund its indebtedness.
16. City court, when holden; powers; taxable fees; jurisdiction; special courts; proceedings; right of jury trial; proviso.
17. City court, how constituted.
18. Jurors, how chosen and empaneled; oath.
19. Liabilities of sheriff in case of default; service and return of writs.
20. Appeals; mayor and aldermen *ex-officio*, justices of the peace.
21. Appeals, when not allowed; reviews.
22. Questions of law may pass to supreme court; reservations.
23. Duty of party claiming exceptions; validity of records.
24. Causes sent back to city court; immediate official notice to be given.
25. Common jail, expenses, how paid; keeper; liabilities for escape; limits of jail yard, how fixed; exceptions.
26. Conveyances of real estate, how made.
27. Mayor resigning, to file his resignation with clerk of city.
28. Right of representation in General Assembly, and to vote at freemen's meetings.
29. Acts repealed.
30. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. That all the freemen of this State, inhabitants of said New Haven, Panton and Ferrisburgh, dwelling and inhabiting within the following bounds, viz: Beginning on the line between Ferrisburgh and Newhaven at the southeast corner of the town plat in said Ferrisburgh, from thence running north, three hundred and twenty rods, to a stake and stones; from thence west, four hundred rods, to a stake and stones; from thence south across Otter Creek, four hundred and eighty rods, to a stake and stones standing in Panton; from thence east across Otter Creek, four hundred rods to a stake and stones standing in New Haven; from thence north, one hundred and sixty rods, to the bounds first mentioned; including the waters of said creek within the preceding limits be, and the same is hereby ordained, constituted and declared to be, from time to time, and forever hereafter one body politic and corporate in fact and in name, by the name of the city of Vergennes, and that by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being im-



## SEC. 16.

are appointed commissioners for receiving subscriptions for shares in the capital stock in said corporation, and they shall open books for that purpose at the town of Lyndon within two years after the passage of this act, notice of which opening shall be published in two newspapers published in the county of Caledonia three weeks in succession, the last of which shall not be more than two weeks previous to the day fixed for such opening, which notice shall be signed by at least a majority of said commissioners. Said commissioners shall be sworn to a faithful discharge of their duty, and such books shall continue open from ten o'clock A. M. till four o'clock P. M. each day, Sundays excepted, for the space of five days, and thereafter till at least five hundred shares shall be subscribed for, and the subscriber shall, at the time of subscribing deposit with the commissioners ten dollars on each share by them subscribed for. The commissioners, in case that more than the whole amount of the capital stock is subscribed for, shall allot and distribute the same among the subscribers by deducting the excess from those subscribing the greatest number of shares, thus making the subscriptions equal as far as may be without dividing shares, in such manner as they may deem most for the interest of all concerned; and if there shall be any increase in the capital stock of said corporation as herein provided, the said increase shall be divided among the then stockholders *pro rata*, if they will accept the same; and in case the whole of such increase is not then distributed, the surplus may be divided among the then stockholders of said corporation, who will receive and pay for the same, in proportion to the amount of stock held by them, or in such other manner as the board of trustees shall determine.

SEC. 17. The corporation shall not commence business, further than to organize, until at least twenty-five per cent of the whole capital stock shall have been paid into said corporation. After the shares shall have been distributed and allotted, each stockholder shall pay the whole amount remaining due on the shares held by him, at such time or times as the trustees shall appoint, of which at least ten days' notice shall be given to each subscriber by mail, and by publishing the same in some newspaper printed in the county of Caledonia; and the shares of each stockholder omitting to make such payment shall be forfeited, together with all previous payments made thereon; provided, there shall be at least ten thousand dollars of the capital stock paid in yearly until the whole fifty thousand dollars shall have been paid in.

SEC. 18. This corporation shall be subject to the provisions of law applicable to savings banks and trust companies, contained in chapter one hundred and sixty-one of the Revised Laws of Vermont, and number forty-one of the laws of 1884, and to all gen-

eral laws which may hereafter be enacted in relation to savings banks and trust companies and shall be subject to the powers of the legislature at any time hereafter to repeal, alter, or modify this act or any of its provisions.

SEC. 19. This act shall take effect from its passage.

Approved November 22, 1892.

No. 176.—AN ACT IN AMENDMENT OF AN ACT TO INCORPORATE THE PROCTOR TRUST COMPANY, APPROVED NOVEMBER 17, 1890.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section six of an act entitled "An act to incorporate the Proctor Trust Company," approved November 17, 1890, is hereby amended so as to read as follows:

The corporation shall not commence business until at least fifty per cent of the whole capital stock shall have been paid into said corporation. After the shares shall have been distributed and allotted, each stockholder shall pay the whole amount remaining due on shares so held by him, at such time or times as the board of directors shall appoint, of which at least ten days' notice shall be given to each subscriber by mail and publishing the same in some newspaper published in Rutland county and the shares of each stockholder omitting to make such payment shall be forfeited together with all previous payments made thereon, provided that the whole amount of such capital stock shall be paid in within four years from the date of the organization of the corporation.

Approved October 27, 1892.



SEC. 13. The first meeting of the legal voters in said corporation shall be called by the clerk of the two fire districts by posting notice of time and place of meeting in three public places in said district and by publishing the same in two consecutive issues of the Ludlow Tribune not less than five days nor more than thirty days before the time of holding said meeting.

Approved November 22, 1892.

No. 200.—AN ACT TO INCORPORATE THE COLUMBIAN UNITED ELECTRIC COMPANY.

SECTION.

1. Corporators; name; purpose; general powers and privileges.
2. Additional powers.
3. Location; names and address of officers to be certified to secretary of State.
4. Capital stock; value of shares; increase of capital.
5. Further powers and duties.

SECTION.

6. First meeting; how called.
7. Directors; how elected; term of office; other officers; vacancies, how filled.
8. Regulations and by-laws; subscriptions to capital stock; transfer of stock.
9. Subject to general laws.
10. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Rockwood Barrett, Samuel Harlow, Edward Dana, Henry F. Field and such other persons as may be associated with them and their successors are hereby constituted and created a body corporate and politic in deed and in law, by the name, style and title of the "Columbian United Electric Company," for the purchase, leasing, construction, equipment and management of companies and works for the manufacturing, selling and furnishing heat, power and artificial light by any method, appliance or principle now known or which may be discovered hereafter; and the said Columbian United Electric Company, by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity within the United States; may have a common seal; and shall have all the rights and powers, and be subject to all the liabilities and duties usually possessed by similar companies, except as here-in otherwise provided.

SEC. 2. It may receive, purchase, hold and convey stocks and bonds of their own and of other corporations, such real estate, property and rights of property, or concessionary rights as may be necessary to carry into effect the purposes of this act; may issue stock not to exceed ninety per cent of the actual market value of of such stock, bonds, real estate, property, and rights in payment

therefor, and all stock so issued shall be declared and taken to be full paid stock and not liable to any further calls or assessments, and the said Columbian United Electric Company is hereby authorized to issue its bonds and to secure the same by mortgage on its property and rights of property of all kinds and descriptions, real, personal and mixed, including its franchise to be a corporation, to an amount not exceeding two-thirds of the market value of the property mortgaged.

SEC. 3. The principal office of the corporation shall be in Rutland, in the county of Rutland, and State of Vermont, and all legal process may be served upon the person who may at the time be in charge of said office or upon the attorney of said corporation if there be such a person, whose name and address, together with the names and address of the other officers of said corporation, shall be certified to by the president of the company, and said certificate shall be filed in the office of the secretary of State of the State of Vermont.

SEC. 4. The capital stock of said corporation shall be twenty-four thousand dollars, divided into two hundred and fifty shares of one hundred dollars each, with the right to increase the same from time to time, by a vote of two-thirds of the common shares then outstanding, to an amount sufficient for the requirements of the business, and said corporation when increasing its capital stock may issue shares entitled to preference in dividends, and which may be retired, by vote of common stock, upon payment of par or face value thereof with accrued dividends thereon.

SEC. 5. Said corporation, obtaining the consent of the proper authorities in cities, towns and villages in which said corporation proposes to operate, observing and complying with all lawful ordinances and regulations as to the use of highways and streets, may run electrical lines and rails along, over and under streets, highways, alleys, lanes, avenues or public grounds; provided that public travel shall not be unnecessarily affected or impeded thereby; and such streets, highways, alleys, lanes, avenues or public grounds shall not be permanently injured thereby but shall be left in as good condition as before; and also provided that no private property shall be thereby taken or used without consent of the owner.

SEC. 6. Rockwood Barrett is hereby authorized to call the first meeting of the corporation, at such time and place as he shall appoint, giving at least six days' notice thereof to the other incorporators in writing.

SEC. 7. The stock, property and business affairs of the corporation shall be managed by a board of not less than three nor more than seven directors who shall be stockholders, who shall be annually chosen by the stockholders at such time and place in the State as is provided by the by-laws of the corporation, and who shall hold their office one year and until others are chosen. The directors shall elect one of their number president of the corpora-



tion and shall appoint a clerk, a treasurer and such others as they may deem necessary. The clerk shall reside within this State. The directors may fill any vacancy in the board occurring during the year.

SEC. 8. The directors may make and adopt regulations and by-laws not inconsistent with the provisions of this act, and of the laws of this State and of the United States. They shall have power to open books of subscription to any increase of the capital stock of said corporation in Rutland, Vermont, and at such other places in the United States, as they may designate, and shall receive all subscriptions of stock; and no stock shall be transferable except upon the books of the corporation provided for that purpose.

SEC. 9. This act shall be under the control of any future legislature, to alter or amend, as the public good may require.

SEC. 10. This act shall take effect from its passage.

Approved November 21, 1892.

No. 201.—AN ACT IN AMENDMENT OF AN ACT INCORPORATING THE ST. ALBANS ELECTRIC LIGHT AND POWER COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Act number one hundred and forty-eight, laws of 1886, incorporating the St. Albans Electric Light and Power Company is hereby amended so as to permit said company to have a capital stock of one hundred thousand dollars, and also to permit said company to purchase, construct or lease, maintain and operate telephone lines and stations, together with all necessary instruments and appliances, in Franklin and Grand Isle counties, and connecting lines with other telephone lines in this State.

SEC. 2. This act shall take effect from its passage.

Approved October 18, 1892.

No. 202.—AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT TO INCORPORATE THE STANDARD LIGHT AND POWER MANUFACTURING COMPANY, APPROVED NOVEMBER 13, 1886.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. That the Standard Light and Power Manufacturing Company is hereby authorized and empowered to change its name to that of the Consolidated Lighting Company.

SEC. 2. The Consolidated Lighting Company shall have the right to acquire by purchase the property, business, rights and franchise of the Montpelier Gas Light Company, in the towns and village of Montpelier and Berlin.

SEC. 3. The Consolidated Lighting Company may issue their notes, bonds and other obligations to an extent not exceeding two-thirds of the market value of their property, and may secure the payment of said notes, bonds or other obligations by a mortgage upon any portion or the whole of their real and personal property.

SEC. 4. Nothing in this act shall relieve the Standard Light and Power Manufacturing Company from any of its present obligations.

SEC. 5. This act shall take effect from its passage.

Approved November 21, 1892.

No. 203.—AN ACT IN ADDITION TO AND AMENDMENT OF "AN ACT TO INCORPORATE THE VERMONT ELECTRIC COMPANY," APPROVED NOVEMBER 20, 1890.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Act number one hundred and twenty-six of the Acts of 1890, entitled "An act to incorporate the Vermont Electric Company," is hereby amended by the addition of the following sections:

SEC. 2. When the Vermont Electric Company shall sell any plant owned by them located in the State, to five or more persons, said persons may incorporate themselves by articles of association in writing, for the purpose of acquiring such plant with all the



No. 217.—AN ACT REPEALING AN ACT APPROVED NOVEMBER 15, 1864, ENTITLED, "AN ACT TO INCORPORATE THE FIRST METHODIST EPISCOPAL LEGAL SOCIETY OF MIDDLEBURY, VT."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Act No. 113 of the year 1864 of the laws of the State of Vermont entitled an act to incorporate the First Methodist Episcopal Legal Society of Middlebury is hereby repealed.

SEC. 2. It is hereby further enacted that all the transactions and obligations done and incurred for and against the Methodist Episcopal Legal Society of Middlebury are confirmed and made binding upon the stewards of the Methodist Episcopal Church of Middlebury, as provided by section No. 1960 of the Revised Laws of Vermont.

SEC. 3. This act shall take effect from its passage.

Approved November 19, 1892.

No. 218.—AN ACT TO INCORPORATE THE "CONGREGATIONAL PEW ASSOCIATION, OF RUTLAND VERMONT."

SECTION.  
1. Corporators; name; general powers and privileges.  
2. Purpose of corporation.  
3. Corporators constituted a board of trustees; power of the board of trustees.  
4. First meeting of board of trustees, how called; vacancies, how filled.  
5. Powers of corporation in acquiring real and personal property.

SECTION.  
6. When the purposes of the corporation have been accomplished, its property may be transferred to the society for social and religious worship in the east parish in Rutland; after such transfer this corporation shall be terminated.  
7. Subject to future legislation; when to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont.*

SECTION 1. John A. Sheldon, John A. Mead, John W. Norton, John W. Ross, William R. Page, Henry A. Sawyer, Charles P. Harris, Nahum P. Kingsley, Frank W. Gary, Andrus B. Engrem, and Leon G. Bagley, and their associates and successors are hereby constituted a corporation and body politic by the name of the "Congregational Pew Association, of Rutland, Vermont," and by that name shall have perpetual succession; may sue and be sued in all courts and places whatsoever; may have and use a

common seal and the same alter at pleasure; may contract and be contracted with; may make by-laws and regulations for the government of the affairs of said corporation and alter the same as the good of the corporation requires.

SEC. 2. The objects of said corporation shall be to take and hold by gift, grant, bequest, devise, purchase or otherwise, pews in the Congregational church of Rutland, and to manage, use, control, rent, mortgage and dispose of the same for the benefit and encouragement of Christian worship according to the usages of Congregational churches; and said corporation shall enjoy all the privileges incident to religious societies as enumerated in chapter one hundred and sixty-four of the Revised Laws.

SEC. 3. The affairs of said corporation shall be conducted by a board of eleven trustees comprising all the members of the corporation. The board of trustees shall have power to appoint from their number such officers as they deem necessary and to prescribe their duties and fix their term of office and compensation.

SEC. 4. The persons named in the first section of this act are hereby declared to be the first board of trustees of said corporation, and the first meeting of the board for the election of officers and the adoption of by-laws and rules shall be held at such time and place as any one of said trustees may designate, by giving written notice to all the other trustees at least ten days prior to said meeting; said trustees shall have the power to fill all vacancies in said board which shall occur by death, resignation or otherwise.

SEC. 5. The corporation hereby created may receive, take and hold by gift, grant, or bequest, any real estate or personal property, for the uses and purposes contemplated by this act, whether the same be given, devised, bequeathed or conveyed to any person or persons for the use or benefit of said corporation; and it may hold in trust and act as trustee for any grant, donation, devise or legacy made or transferred to it for any general or special purpose within the scope of this act.

SEC. 6. Whenever the members of said corporation shall deem that the purposes for which the same has been organized have been accomplished; and if all debts, liabilities, and obligations of the corporation have been discharged, it may transfer and convey all its real and personal property to the Society for Social and Religious Worship in the East Parish in Rutland, a religious corporation now existing; and thereupon the corporation hereby created shall cease to exist except for the purpose of closing up its affairs.

SEC. 7. This act shall be subject to the control of the legislature, to alter, amend or repeal, as the public good may require; and it shall take effect from its passage.

Approved November 18, 1892.



No. 219.—AN ACT TO AMEND AN ACT INCORPORATING  
THE BAPTIST MINISTERS' AID SOCIETY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section three of an act incorporating the Baptist Ministers' Aid Society, approved November 19th, 1888, is hereby amended by striking out the last six words of said section and inserting in lieu thereof the words "by said society."

SEC. 2. Said act is hereby further amended by striking out section four and inserting in lieu thereof the following:

Section 4. Said society may increase the members of its board to a number not exceeding twenty-one, and may elect the same or any part thereof from year to year in such manner or method as said society may prescribe.

SEC. 3. This act shall take effect from its passage.

Approved November 22, 1892.

No. 220.—AN ACT TO INCORPORATE THE RUTLAND  
HOSPITAL.

SECTION.

- |   |   |
|---|---|
| 1. Corporators: name; purpose; general powers and privileges.                           | 4. Organization; first board of directors, how chosen; vacancies, how filled. |
| 2. Corporation to be managed by board of directors; number of directors and how chosen. | 5. Power of corporation to acquire property for its own use.                  |
| 3. Officers, how appointed.   | 6. Directors required to make annual report; what to contain.                 |
|   | 7. Subject to future legislation.   |

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Henry F. Field, Evelyn Pierpoint, John W. Cramton, William Y. W. Ripley, Thomas J. Gaffney, Charles Clement, Charles P. Harris, Charles M. Niles, George W. Phillips, Edward L. Temple, John N. Woodfin, William H. Steele, Fletcher D. Proctor, Henry O. Carpenter, W. A. Patrick, Charles H. Sheldon, George C. Thrall, D. M. White, V. A. Gaskill, George F. North, George J. Wardwell, Percival W. Clement, Edson P. Gilson and their associates and successors, are hereby constituted a body politic and corporate, by the name of "The Rutland Hospital," for the purpose of establishing and maintaining a public hospital in the town of Rutland, and by that name may have perpetual succession; may sue and be sued, defend and be defended in all courts and places whatsoever; may have and use a common seal

and change the same at pleasure, and may make and carry into effect all such by-laws, rules and regulations as may be necessary for the proper management of the affairs of said corporation.

SEC. 2. The affairs of said corporation shall be managed and conducted by a board of nine directors, chosen from the members of said corporation.

SEC. 3. The board of directors shall have power to appoint a president, vice-president, treasurer, secretary, executive committee, and such other officers, as they may from time to time deem necessary, and to fix their term of office and prescribe their duties and compensation.

SEC. 4. The method of organizing said corporation shall be that provided in the Revised Laws, sec. 3280, for the organization of private corporations by voluntary association. The directors of said corporation shall be chosen at the first meeting of the corporators, or at some adjournment thereof; and afterwards at the annual meetings of the corporation and in the manner prescribed by its by-laws. The directors shall have power to fill all vacancies in their own number.

SEC. 5. The corporation hereby created may purchase and receive, take and hold, by gift, grant, devise, or bequest, any real estate or personal property for the uses and purposes contemplated by this act, whether the same be given, devised, bequeathed or conveyed directly to said corporation or to the board of directors, or any person or persons, for the use or benefit of said corporation.

SEC. 6. It shall be the duty of the board of directors to make an annual report to the governor of the State, on or before the first day of August in each year, showing the number of patients received into said institution during the year ending the first day of July preceding, distinguishing indigent from paying patients, the nature of their several diseases, the length of their respective residence in the hospital, and the results of their treatment; the nature and value of the property of the corporation, its resources and its pecuniary condition, together with all such other particulars as may be necessary to exhibit the condition and operation of the hospital.

SEC. 7. This act shall be under the control of the legislature to alter, amend, or repeal, as the public good may require, and shall take effect from its passage.

Approved November 21, 1892.



*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Newport and Richford Railroad Company is hereby authorized and empowered to alter, change and divert its present line and location, or so much and such portions and parts thereof as it may elect, in the town of Newport in the county of Orleans between the present terminal of said railroad in the village of Newport in said town of Newport, and the present depot of said railroad company in the village of Newport Center in said town of Newport.

SEC. 2. Said Newport and Richford Railroad Company may make such alterations and changes in and diversion or diversions from its present line and location by the most convenient and feasible route between the points herein named, and with the right of building a railroad, with a single or double track thereon, and with the right to transport and carry persons and property over said railroad in such new location by the power of steam or otherwise.

SEC. 3. Said Newport and Richford Railroad Company may cause such examinations and surveys of the line of such diversions of said road to be made, and may after such examinations and surveys locate its said road, not exceeding five rods in width, and shall by certificate under the hand of its president, secretary or clerk designate the line or route on which it has determined to make said alterations, changes and diversions, and shall cause the same to be filed with the secretary of State, and to be recorded in the town clerk's office in said town of Newport; and such changes, alterations and diversions shall not invalidate the articles of association of said company heretofore filed in the office of the secretary of State, and the said route, as changed, shall be considered as an amendment of the original articles of association of said Newport and Richford Railroad heretofore filed in the office of the secretary of State.

Said company may at any time before said railroad is constructed upon such new route or location, make such alterations in the route or location of such diversion as it may deem necessary or expedient, always causing the same to be filed with the secretary of State, and to be recorded in the town clerk's office in said town of Newport.

SEC. 4. Before said company commences proceedings for the purpose of acquiring title to real estate, or any interest therein, on said new route and location it shall cause a copy of the record of such new route, made in the office of the secretary of State, and certified to be a true copy by the secretary of State, to be filed and recorded in the office of the county clerk in said Orleans county.

SEC. 5. When said Newport and Richford Railroad is so al-

tered, changed and diverted, said railroad company shall have all and the same rights, powers and privileges in said new location as it now has in its present location by the laws of this State.

SEC. 6. This act shall be taken and deemed to be a public act, and shall be construed favorably and beneficially for all purposes for which the same is enacted, and shall be subject to any general law of this State respecting railroad corporations which is now in force or may hereafter be enacted; and all the general laws of this State relating to railroad corporations shall be deemed and taken to be a part of this act.

SEC. 7. This act shall at all times be under the control of the legislature to amend or repeal, as the public good may require.

SEC. 8. This act shall take effect from its passage.

Approved November 2, 1892.

No. 252.— AN ACT IN RELATION TO THE CLARENDON AND PITTSFORD RAILROAD COMPANY, THE RUTLAND AND WASHINGTON RAILROAD COMPANY AND THE DELAWARE AND HUDSON CANAL COMPANY.

SECTION.

1. Corporation authorized to extend its line of road; privileges and duties of the company in respect thereto.
2. Damages, how determined.
3. Corporation empowered to cross and connect with tracks of Rutland and Washington Railroad Company and Delaware and Hudson Canal Company; compensation, points and manner of connection, how determined.

SECTION.

4. Hearings by board of railroad commissioners; notice of hearings; duties of railroad commissioners in respect thereto.
5. Copy of award to be delivered to each party in interest, and recorded in the town clerk's office in West Rutland.
6. Proceedings by parties dissatisfied with award of railroad commissioners; appeal to county court.
7. Notices under this act, how given.
8. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Clarendon and Pittsford Railroad Company, a corporation organized under the laws of the State of Vermont, is hereby authorized and empowered to construct, maintain and operate an extension of its railroad in the town of West Rutland, in the county of Rutland, upon and over land owned by the Vermont Marble Company, a corporation, and the Sheldon Marble Company, a corporation, and for this purpose is authorized and empowered to enter upon and use such parts and portions of said lands, and also such portions of the rights of way of the Rutland and Washington Railroad Company over said lands heretofore ac-



quired and taken by said company for sidetracks, turnouts, or spurs on the easterly side of its main quarry track between its West Rutland station and Whipple Hollow, so called, now operated by the Delaware and Hudson Canal Company, as are necessary to construct, maintain and operate said proposed extension of said Clarendon and Pittsford Railroad, between a point in the line of said main quarry track where an extension of the southerly line of the Vermont Marble Company's stone store will intersect said line and a point in said line about thirty-three hundred feet northerly therefrom where a spur running to the Manhattan mill, so called, is connected therewith; provided that the said Clarendon and Pittsford Railroad Company shall not make use of this grant in such manner as to interfere with the operating of said main quarry line.

SEC. 2. The damage, if any, incurred to the Rutland and Washington Railroad Company, or any other corporation or person, for entering upon and taking said rights of way or land shall be determined and assessed according to the laws of this State.

SEC. 3. The said Clarendon and Pittsford Railroad is hereby authorized and empowered to cross and unite its railroad with the main quarry line, or any of its side-tracks or spurs, of the Rutland and Washington Railroad Company, now operated by the Delaware and Hudson Canal Company, between its station at West Rutland and Whipple Hollow, so called, in said town of West Rutland, at any point where said main quarry line or its side tracks and spurs are built upon rights of way heretofore acquired and taken through lands owned at the present time either by the Vermont Marble Company or the Sheldon Marble Company, with the necessary turnouts, sidings, switches and other conveniences. And if the said Clarendon and Pittsford Railroad Company cannot agree with said Rutland and Washington Railroad Company or said Delaware and Hudson Canal Company upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be determined by the board of railroad commissioners of this State.

SEC. 4. Said board of railroad commissioners shall, upon twelve days' notice to said Rutland and Washington Railroad Company and to said Delaware and Hudson Canal Company, hear such parties with their allegations and proofs and, with the least possible delay, fix upon the terms, time and manner of crossing and connections to be afforded by said Rutland and Washington Railroad Company and said Delaware and Hudson Canal Company, and shall make a written award thereof and in so doing shall have regard to the interests and convenience of the public.

SEC. 5. When the board of railroad commissioners have completed their award they shall within ten days deliver a copy of the same to each of said parties in interest, and within twenty days of the date of said award the said Clarendon and Pittsford Railroad

Company shall cause a copy thereof to be recorded in the town clerk's office in the town of West Rutland.

SEC. 6. Upon payment of the compensation, if any, determined upon by said board of railroad commissioners, with the costs and charges thereupon accruing, by the said Clarendon and Pittsford Railroad Company, or upon the deposit of the same by the said company in such bank as said commissioners direct, to the credit of the Rutland and Washington Railroad Company or the Delaware and Hudson Canal Company as their interest may appear, and notice of such deposit having been given either personally or by letter through the post office, the said Clarendon and Pittsford Railroad Company shall have the right to make such crossings and connections as may be prescribed in such award without further delay. If either of the parties in interest is dissatisfied with the award of the commissioners, they may, within ninety days after the date of the award, appeal to the county court; and such court shall thereupon appoint three commissioners; and the decision of the court shall be final upon the report of the commissioners. Costs may in the discretion of the court be allowed to either party, but no appeal shall be allowed to the Clarendon and Pittsford Railroad Company after the payment or deposit of the amount of the award, nor by the Rutland and Washington Railroad Company or the Delaware and Hudson Canal Company after acceptance thereof by either of them.

SEC. 7. Service of notices required by the provisions of this act may be given as provided in section three thousand four hundred and sixty of the Revised Laws of Vermont, so far as they are applicable thereto.

SEC. 8. This act shall take effect from its passage.

Approved November 12, 1892.

No. 253.—AN ACT TO RATIFY AND CONFIRM THE CONSOLIDATION AND MERGER OF THE VERMONT AND CANADA RAILROAD COMPANY, THE CONSOLIDATED RAILROAD COMPANY OF VERMONT AND THE MONTPELIER AND WHITE RIVER RAILROAD COMPANY INTO THE CENTRAL VERMONT RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The articles of consolidation whereby the Vermont and Canada Railroad Company, the Consolidated Railroad Com-



ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

*John Barry*  
STATE OF VERMONT,

AFTER

THIRTEENTH BIENNIAL SESSION, 1894.

1890s

BURLINGTON

THE FREE PRESS ASSOCIATION PRINTERS AND BINDERS

1894

**Acts & Resolves 1894**



records of said corporation shall be so kept as to show the issue of the bonds, the amounts and dates of the same, when due, and the time of their payment. Said corporation is hereby prohibited from issuing and negotiating bonds as aforesaid exceeding thirty thousand dollars in amount.

Approved November 7, 1894.

No. 189.—AN ACT TO AMEND SECTION SIXTEEN OF NUMBER TWO HUNDRED AND TWO, LAWS OF 1878, ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF RICHFORD."

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. Section 16 of No. 202 of the laws of 1878, approved November 21, 1878, is amended so as to read as follows :

The annual meeting of said corporation, for the choice of officers and the transaction of any business specified in the warning of said meeting, shall be holden in the village of Richford, on the first Monday of May each year.

SEC. 2. This act shall take effect from its passage.

Approved November 16, 1894.

No. 190.—AN ACT TO ANNEX A PART OF THE CITY OF RUTLAND TO THE TOWN OF RUTLAND.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. Those portions of the city of Rutland in the county of Rutland, hereinafter described, are hereby annexed to and made part of the town of Rutland in said county, viz :

"Beginning at the intersection of the north line of the city with the east line of North Main street; thence southerly on the east line of North Main street to its intersection with the south line of James M. Fisk's farm; thence following the south line of James M. Fisk's farm and the extension thereof, to the east line of the city; thence northerly and westerly following the line of the city to the

place of beginning. Also beginning at Center Rutland at the intersection of the west line of the city of Rutland with the center line of Otter Creek; thence easterly in the said center line of said creek to its intersection with the west line of the Ripley road, so-called; thence northerly in said west line of the Ripley road to its intersection with the south line of West street; thence westerly in said south line of West street to a point where the boundary line between Evergreen cemetery and the Beaman estate would intersect said south line of West street if extended across said street at an angle of ninety degrees therewith; thence across said West street at an angle of ninety degrees to the intersection of the boundary line between said cemetery and the Beaman estate with the north line of said West street; thence northerly and westerly along said cemetery boundary line to its intersection with the westerly line of the city; thence southerly in the line of the city to the point of beginning."

SEC. 2. The public property of the city of Rutland, within the territories hereby annexed to the town of Rutland shall become and be the property of the town of Rutland. The town of Rutland shall pay to the city of Rutland such proportion of the total net indebtedness transferred to the latter from the town of Rutland, as it existed prior to the first Tuesday of March 1893, as the grand list for the year 1892 of the territories hereby annexed to the present town of Rutland bore to the total grand list of the old town of Rutland for that year. Said total net indebtedness shall be taken to be the amount of indebtedness including outstanding orders, bonds and admitted liabilities, less the real and personal property received from the town of Rutland by said city, but not including Memorial hall, as was found and ascertained by the three commissioners appointed by the presiding judge of the county court for the county of Rutland, under the provisions of Sec. 42 of the act to incorporate the city of Rutland, approved November 19, 1892. The town of Rutland shall also pay to the city of Rutland the cost of the water mains which said city has laid in said annexed territories and also the expense of laying the same. The town of Rutland shall pay to the city of Rutland such proportion of the present value of the school house with the grounds and its furniture and equipment, in old district No. 11 as the grand list of that part of the district still remaining in the city bears to the whole grand list of the territory formerly constituting the district. The city of Rutland shall turn over to the town of Rutland such proportion of its share in the United States deposit fund as the population of the territories hereby annexed to the town of Rutland bore to the rest of the city of Rutland on the basis of the census of 1890. The apportionment of the indebtedness and of the United States deposit fund and the ascertainment of the amount due on account of the water mains as aforesaid, shall be made by the city council of the city of Rutland and the selectmen of the town of Rutland, and if said boards shall be unable to agree thereon within



one month, the presiding judge of the county court for the county of Rutland, on application of either of said boards and on notice to the other party, shall appoint three disinterested commissioners to make such apportionment, whose decision, rendered on hearing of the parties on twelve days notice, shall be final. The amount due as aforesaid from the town of Rutland to the city of Rutland shall be paid within thirty days from the date of the agreement with respect thereto, or the decision of the commissioners, as the case may be.

SEC. 3. This act shall take effect from its passage.

Approved November 27, 1894.

No. 191.—AN ACT AMENDING ACT NUMBER ONE HUNDRED TWENTY-SIX, LAWS OF 1892, ENTITLED "AN ACT IN AMENDMENT OF AND IN ADDITION TO AN ACT APPROVED NOVEMBER 28, 1876, ENTITLED 'AN ACT IN AMENDMENT OF AN ACT TO INCORPORATE THE VILLAGE OF ST. ALBANS,' APPROVED NOVEMBER 18, 1859, AND THE SEVERAL AMENDMENTS THEREOF HERETOFORE ENACTED."

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. That part of the town of St. Albans, included within the following limits, as specified and described hereinafter, shall hereafter belong to, and be a part of the village of St. Albans, viz: Commencing at a point in the south-east corner of Aldis park, thence northerly and westerly in the boundary line of said park so as to include the same within the village limits, to the northwest corner of said park, thence northerly through the land of Stella Dewart in a continuation of the west line of said park a distance of four hundred thirty feet, to a point in Betsy D. Hoyt's south line, three hundred eighty feet east of the east line of High street, thence westerly in said Betsy D. Hoyt's south line, to a point two hundred feet east of the east line of High street, thence northerly in a line parallel with the east line of High street, eight hundred feet, to a point in said line; thence westerly across said High street in a straight line across North Main street about twelve hundred and fifty feet, to a point in the west line of the Missisquoi Railroad Company's right of way, twenty-two feet southerly from the point of intersection of the west line of said right of way with the west line of said North Main street; thence southwesterly in a

straight line about twenty-five hundred feet, to a point in the south line of Newton street, made by the intersection of the present corporation line with said south line of Newton street; thence southerly about thirty-three hundred feet in a straight line to a point two hundred feet north of the north line of Pearl street and two hundred and fifteen feet west of the west line of Walnut street; thence southerly in straight lines parallel with the west lines of Walnut street, about eighteen hundred feet, to a point two hundred feet north of the north line of Lake street; thence westerly in a line parallel with the north line of Lake street to a point two hundred feet west of the west line of Huntington street; thence southerly in a line parallel with the west line of Huntington street, nineteen hundred feet, to a point in said line; thence southeasterly in a straight line to the point of intersection of the north line of land owned by B. F. Rugg with the west line of the Vermont & Canada Railroad Company's right-of-way; thence southeasterly in a straight line to the center of the channel of the brook, running through said Rugg's farm at a point where a continuation of said Rugg's south line, extending from South Main street westerly would intersect said southeast line at the center of said channel, thence easterly in said last described line to its intersection with the west line of Main street, thence diagonally across Main street to the point of intersection of the north line of William Seal's land with the east line of Main street, thence easterly in the north line of William Seal's land and in the south line of lands of D. R. Potter's estate and a continuation of said line to a point of intersection of said line with a straight line which is the continuation of the east line of Charles H. Clark's lot extending southerly to said point, thence northerly in said last mentioned line to the line of the present corporation limit; thence following the present corporation line easterly and northerly to the northeast corner of land formerly owned by T. Webster; thence northeasterly in a straight line to the southeast corner of land belonging to the St. Albans cemetery association; thence northerly in the east line of said cemetery to the south line of land belonging to Mrs. H. F. Buck; thence easterly in said Buck's south line to a point two hundred feet east of the east line of Barlow street; thence northerly in a line parallel to the east line of said Barlow street, to a point two hundred feet south of the south line of Thorpe avenue; thence easterly in a line parallel with the south line of Thorpe avenue, to a point five hundred feet east of the east line of the highway leading from Thorpe avenue southerly to the fair ground; thence northerly in a straight line across Fairfield street and across Congress street to the point of beginning.

SEC. 2. All the territory described and embraced within the limits set forth in section one, not heretofore included within the corporation limits of said St. Albans village, and the inhabitants thereof, are hereby made subject to the original charter of said vil-



No. 259.—AN ACT TO INCORPORATE THE INTERNATIONAL COMBUSTION COMPANY.

## SECTION

1. Corporators; corporate name, purpose and general powers.
2. Stock may be issued in payment of debts, bonds and other acts authorized.
3. Capital stock; each share entitled to one vote.
4. Directors, number, election, term of office and duties; other officers.

## SECTION

5. Location of principal office; service of legal processes.
6. First meeting, how called; quorum.
7. Subject to future legislation.
8. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. George L. Rice, L. Goodwin, F. W. Spalding, Wm. N. Storer, Albert French and such other persons as may be associated with them, and their successors, are hereby constituted and created a body corporate and politic, in deed and in law, by the name, style and title of the International Combustion Company, for procuring, buying, controlling, utilizing, selling and leasing inventions, patents and rights for economy and prevention of waste and smoke in the use and combustion of fuels; and for the manufacture, purchase and sale of machines, structures, devices and appliances deemed necessary to promote and carry out the ideas and purposes hereof; and the said International Combustion Company, by that name, shall have perpetual succession, may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity; may have a common seal; and shall have all the rights and powers, and be subject to all the duties and liabilities pertaining to other corporations of like kind and nature, chartered under the laws of this state, except as herein otherwise provided.

SEC. 2. It may issue stock for payment of all inventions, patents and rights, and for all materials and property of all kinds that may be deemed necessary for the business of the corporation; and all stocks so issued shall be full paid stock and shall not be liable to any further calls, assessments or liability whatever; may issue its bonds and secure the same by mortgage on its property and assets of all kinds, to an amount not exceeding two-thirds of the real value of the property mortgaged; and may do any and all other acts and things necessary to carry out fully all the intents and purposes of this act.

SEC. 3. The capital stock of the corporation shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, with right to increase the same from time to time, by a vote of two-thirds of the shares outstanding, as the interests and business of the corporation may require. Each share of the stock shall always be entitled to one vote by the holder thereof in person or by written proxy, duly filed by the clerk of the corporation, and no stock shall be transferable except upon record thereof in books of the corporation, provided for that purpose.

SEC. 4. The property and business of the corporation shall be managed by a board of not less than three directors, who shall be stockholders, and shall be chosen annually by the stockholders, at such time and place and in such manner as may be provided in the by-laws of the corporation; and they shall hold office for one year, and until others are chosen. They shall elect one of their number president of the board and of the corporation, and shall appoint a clerk, a treasurer and such other officers and agents as they may deem necessary, or as the by-laws of the corporation may provide; may fill vacancies existing in their board, or that may occur therein during the year; and may make such rules and regulations for their conduct and management, not inconsistent with the by-laws of the corporation and the provisions of this act, as they may deem necessary.

SEC. 5. The principal office of the corporation shall be in Rutland, Rutland county and state of Vermont. All legal processes may be served upon the person in charge of said office or upon the clerk or attorney of the corporation.

SEC. 6. The first meeting of the corporation shall be called by Albert French, at such time and place as he may appoint, upon giving at least seven days' notice thereof, in writing, to the other corporators. A majority of the corporators shall constitute a quorum for organization and for any other business that may come before them.

SEC. 7. This act shall be under control of any future legislature of this state to alter or amend as the public good may require.

SEC. 8. This act shall take effect from its passage.

Approved November 27, 1894.

No. 260.—AN ACT PROVIDING FOR THE RE-ORGANIZATION OF THE NORTHFIELD SLATE AND TILE COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. That the Northfield Slate and Tile Company organized under an act of the legislature of the state of Vermont approved November tenth A. D. 1866, may effect its re-organization in the following manner.

A meeting of the stockholders of said company for the purpose of re-organization shall be called by Charles D. Edgerton, one of the stockholders, by mailing a notice thereof to each stockholder whose name appears on the books of the treasurer of said company at his last known postoffice address at least ten days prior to the



No. 285.—AN ACT AUTHORIZING THE CITY OF RUTLAND  
TO ISSUE BONDS IN CERTAIN CASES.

*It is hereby enacted by the General Assembly of the State of  
Vermont :*

SECTION 1. Whenever the legal voters of the city of Rutland shall give authority to the city council of said city to pledge the credit of said city for any purpose, the said city of Rutland shall have power and authority to issue its negotiable orders, warrants, or bonds with interest coupons attached, to the amount for which the legal voters aforesaid have given authority to so pledge the credit of the city, payable at such times and upon such rate of interest as shall be established by said vote ; or, if the same is not fixed by said vote, such as shall be established by resolution of said city council.

SEC. 2. The city of Rutland is hereby given power and authority to issue its negotiable bonds with interest coupons attached, for the amount for which authority was given the city council to issue bonds and pledge the credit of the city at the last annual election and at special election held on the last Tuesday of June A. D. 1894, in said city, upon such terms, rate of interest and conditions, and payable at such times as have been, or hereafter may be established by resolution or vote of the city council of said city. And said votes of the legal voters of said city, and resolutions and votes of said city council, are hereby declared to be legal and valid authority for the issue of said bonds and coupons.

SEC. 3. This act shall take effect from its passage.

Approved October 24, 1894.

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No. 286.—AN ACT TO AMEND AN ACT ENTITLED "AN  
ACT AUTHORIZING THE CITY OF RUTLAND TO  
ISSUE BONDS IN CERTAIN CASES," APPROVED  
OCTOBER 24TH, 1894.

*It is hereby enacted by the General Assembly of the State of  
Vermont :*

SECTION 1. Section 2 of an act entitled "An act authorizing the city of Rutland to issue bonds in certain cases" approved October 24th 1894 is hereby amended so as to read as follows :

The city of Rutland is hereby given power and authority to issue its negotiable bonds with interest coupons attached, for the amount for which authority was given the city council to issue bonds and

pledge the credit of the city at the last annual election and at special election held on the last Tuesday of June A. D. 1893, in said city, upon such terms, rate of interest and conditions, and payable at such times as have been, or hereafter may be established by resolution or vote of the city council of said city. And said votes of the legal voters of said city, and resolutions and votes of said city council, are hereby declared to be legal and valid authority for the issue of said bonds and coupons.

SEC. 2. This act shall take effect from its passage.

Approved November 27, 1894.

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No. 287.—AN ACT TO ANNEX COVENTRY GORE TO THE  
TOWN OF NEWPORT.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. That part of the town of Coventry, county of Orleans, now known as Coventry Gore, which lies south of, and joins the town of Newport in said county, is hereby set off from the said town of Coventry, and added to and made a part of the said town of Newport.

SEC. 2. This act shall take effect April 1st, 1895.

Approved November 28, 1894.

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No. 288.—AN ACT TO ESTABLISH THE NORTH LINE OF  
THE TOWN OF HANCOCK.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The north line of the town of Hancock is hereby established according to the following survey and description:

Beginning at a stake and stones the northeast corner of the town of Hancock, thence north fifty-six degrees and thirty minutes west, eighty rods to the corner of lot No. 1 in said Hancock, thence on the same course one hundred rods to the corner of Nos. 1 and 4, thence on the same course ninety-one rods to a spruce tree with original corner marks, thence on the same course one hundred and thirty-nine rods to the White River (four hundred and ten rods



No. 307.—AN ACT TO LEGALIZE THE QUADRENNIAL APPRAISAL OF THE REAL ESTATE OF THE TOWN OF PLYMOUTH FOR THE YEAR 1894.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The quadrennial appraisal of the real estate of the town of Plymouth made by the listers in the year 1894, now on file in the town clerk's office of said town is declared legal and valid, and the failure of the listers to lodge said appraisal in said clerk's office within the time required and agreeably to the provisions of law shall in no way affect the validity or legality of said appraisal or any grand list based thereon or into which said appraisal may enter.

SEC. 2. Any person aggrieved by the action of said listers in making said appraisal may within fifteen days from the first day of December, 1894, appeal to the board of civil authority of the town of Plymouth, and shall give immediate notice of the taking of such appeal to the selectmen of the town.

SEC. 3. After the expiration of the fifteen days mentioned in the preceding section, the town clerk of said town shall, on application of a member of the board of civil authority, call a meeting of the board in the manner prescribed by law at which meeting said board shall hear all such appeals, and their decision thereon shall be final.

SEC. 4. Said appraisal shall be adopted and used by said town in making up its grand list every year until the next quadrennial appraisal of real estate, and all grand lists of the town into which such appraisal may enter are as to the appraisal of real estate hereby declared legal and valid.

SEC. 5. This act shall take effect from its passage.

Approved November 23, 1894.

No. 308.—AN ACT TO LEGALIZE THE QUADRENNIAL APPRAISAL OF REAL ESTATE AND THE GRAND LIST OF THE CITY OF RUTLAND FOR THE YEAR OF 1894.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The quadrennial appraisal of the real estate of the city of Rutland as made out and filed by the assessors of said city

for the year 1894, is hereby declared legal and valid, and the failure of the assessors to lodge said appraisal in the city clerk's office within the time and agreeable to the provisions prescribed by law shall in no manner affect the validity or legality of said appraisal or the grand list founded thereon.

SEC. 2. Any person aggrieved by the appraisal of the assessors may, within twenty days after the passage of this act, appeal to the city council in said city of Rutland by filing notice of said appeal in the office of the city clerk.

SEC. 3. After the expiration of the twenty days mentioned in the second section of this act the city clerk of said city of Rutland upon application of a member of the city council shall call a meeting of said council in the manner prescribed by law, and said council shall hear all appeals, and their decision shall be final.

SEC. 4. This act shall take effect from its passage.

Approved November 27, 1894.

No. 309.—AN ACT TO LEGALIZE THE QUADRENNIAL APPRAISAL OF THE TOWN OF SEARSBURGH FOR THE YEAR 1894.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The quadrennial appraisal of real estate for the town of Searsburgh, for the year 1894, as to all taxes assessed thereon, or to be assessed thereon, is hereby declared legal and valid.

SEC. 2. This act shall take effect from its passage.

Approved October 17, 1894.

No. 310.—AN ACT TO LEGALIZE THE GRAND LIST AND QUADRENNIAL APPRAISAL OF THE TOWN OF STRATTON FOR THE YEAR 1894.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The grand list and quadrennial appraisal of the town of Stratton for the year 1894 as to all taxes that have been



ACTS AND RESOLVES  
PASSED BY THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT,  
AT THE  
FOURTEENTH BIENNIAL SESSION, 1896.



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1896.

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ally fix and determine the number of members, not less than five, that shall constitute the board of directors for the ensuing year, and choose the same, or a quorum thereof, in the way and manner provided in the by-laws of the corporation; and may do and transact any other business that may properly come before them. Each share of the stock of the corporation shall entitle the record holder thereof to one vote in person or by written proxy, duly filed by the clerk.

SEC. 6. The first meeting of the corporation shall be held at such time and place as may be agreed upon by a majority of the persons named in section one, the other persons named therein having due notice thereof. A majority of the persons named in section one shall constitute a quorum; and they may do whatever things may be proper and necessary to facilitate and complete the organization of the corporation, and to transact any other business properly before them.

SEC. 7. The principal office of the corporation shall be in the city of Burlington, county of Chittenden and State of Vermont.

SEC. 8. This act shall be under control of any future legislature to alter, amend or repeal, as the public good may require.

SEC. 9. This act shall take effect from its passage.

Approved November 18, 1896.

# No. 192.—AN ACT TO INCORPORATE THE COLUMBIA BUILDING COMPANY.

SECTION	SECTION
1. Corporators; corporate name, purpose and powers.	5. By-laws; each share of stock entitled to one vote.
2. Issue of stock and bonds.	6. First meeting; quorum.
3. Capital stock.	7. Location.
4. Directors.	8. Subject to future legislation.
	9. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. John A. Mead, Percival W. Clement, Henry A. Sawyer, D. M. White, Wallace C. Clement, S. M. Willson, H. W. Clement, N. P. Kingsley, and Henry O. Edson, and such other persons as may be associated with them, and their successors, are hereby constituted and created a body corporate and politic, by the name, style and title of Columbia Building Company, for the purpose of acquiring, holding, leasing, managing, renting and selling real estate and the purchasing or

leasing of such personal property as may be deemed desirable in carrying on the business of the corporation; and the said Columbia Building Company, by that name, shall have perpetual succession, may sue and be sued, may plead and be impleaded, defend and be defended in all courts of law and equity; may have a common seal and the same alter at pleasure; and shall have and enjoy all the rights, powers, privileges and franchises incident to corporations.

SEC. 2. It may, in payment of any property which it may acquire, issue stock, and all stock so issued shall be full paid stock and shall not be liable to any further calls, or assessments, or liabilities whatever; and it may issue its bonds and secure the same by mortgage on its property of all kinds, real and personal, in part or entire, including its franchise to be a corporation, to an amount not exceeding two-thirds of the value of the property mortgaged; and may do any and all such things as may be necessary to carry fully into effect all the intents and purposes of this act.

SEC. 3. The capital stock of said corporation shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, with the right to increase the same from time to time, to any amount not exceeding two hundred and fifty thousand dollars, as the business of the corporation may require, by a vote of two-thirds of the capital stock outstanding.

SEC. 4. All the affairs, business and property of the corporation shall be managed by a board of not less than five directors, who shall be holders of stock of the corporation and shall be chosen annually by the stockholders, at such time and place and in such manner, as shall be provided in the by-laws of the corporation, and shall hold their office one year and until others are chosen. The directors shall elect one of their number president of their board and of the corporation, and shall appoint a clerk, a treasurer and such other officers and agents as they deem necessary or as may be provided by the by-laws of the corporation; they may fill vacancies existing in their board or that may occur therein during the year.

SEC. 5. The stockholders shall make and adopt such regulations and by-laws as may be deemed necessary, and not repugnant to public policy or the laws of this state, for the management of the affairs and business of the corporation; shall annually fix and determine the number of members, not less than five, that shall constitute the board of directors for the ensuing year, and choose the same, or a quorum thereof, in the way and manner provided in the by-laws of the corporation; and may do and transact any other business that may properly come before them. Each share of the stock of the corporation



shall entitle the record holder thereof to one vote in person or by written proxy, duly filed by the clerk.

SEC. 6. The first meeting of the corporation shall be held at such time and place as may be agreed upon by a majority of the persons named in section one, the other persons named therein having due notice thereof. A majority of the persons named in section one shall constitute a quorum; and they may do whatever things may be proper and necessary to facilitate and complete the organization of the corporation, and to transact any other business properly before them.

SEC. 7. The principal office of the corporation shall be in the city and county of Rutland and State of Vermont, but it may be changed if deemed necessary, at any time, to some other place, by a two-thirds vote of the stockholders of the corporation, at a meeting properly and duly called for that purpose.

SEC. 8. This act shall be under control of any future legislature to alter, amend or repeal, as the public good may require.

SEC. 9. This act shall take effect from its passage.

Approved November 11, 1896.

## NO 193.—AN ACT TO INCORPORATE THE ANDREWS AQUEDUCT COMPANY.

### SECTION

1. Corporators; corporate name; purpose.
2. Meetings; powers of corporation at such meetings.
3. Capital stock; water rates.
- 4-5. Power to acquire water rights.
6. Damages, how awarded.

### SECTION

7. Injury to water works, how punished.
8. Bonds authorized; certain other powers.
9. Corporate seal.
10. Subject to the general law.
11. Limitation as to debts; liability of stockholders.
12. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Gilbert R. Andrews, Arthur G. Andrews and Weltha A. Perrin of Northfield, in the county of Washington, and State of Vermont, their associates and successors, are hereby constituted a body corporate by the name of "The Andrews Aqueduct Company," for the purpose of furnishing the village of Northfield, in the town of Northfield, and the inhabitants thereof and the inhabitants of the outlying and adjacent territory with water for domestic, sanitary, and other purposes.

SEC. 2. Gilbert R. Andrews is hereby authorized to call the first meeting of said corporation, at such time and place as

he shall appoint, by giving at least six days notice thereof to all persons who shall become stockholders in such corporation, and at such meeting or any other meeting legally warned for that purpose, said corporation may elect all necessary officers, and make, alter and repeal such by-laws, rules, and regulations, as may be thought necessary, not repugnant to the provisions of this act or to the laws of this state.

SEC. 3. The capital stock of said corporation shall consist of one hundred shares of ten dollars each, but shall not exceed twenty-five thousand dollars, and said corporation may provide for the sale and mode of transfer thereof as said corporation may from time to time deem expedient, and may levy and collect assessments on such shares, according to law, and fix water rates and rents at pleasure, and shall have the power to sue for and collect said water rates and rents when necessary.

SEC. 4. Said corporation may purchase any aqueduct or aqueducts now in use, or in process of construction, and take a conveyance of title by deed or otherwise. And said corporation may take the waters of any ponds, springs, or streams for the purposes aforesaid, but shall re-imburse any owner or owners or persons having an interest in the same for any damages he may sustain, as hereinafter provided. But said corporation shall not take otherwise than by purchase, water or a spring of water which the owner requires for the reasonable and convenient use of his premises, and if the owner and the corporation cannot agree as to what water is necessary for such use, the corporation shall apply to the judges of the Washington county court, who shall forthwith appoint three disinterested persons to determine in the matter, and the proceedings of such persons so appointed and all other proceedings in the determination of such matter shall be the same as provided in section six of this act; in case of a failure to agree as to the compensation to be paid for land or water taken.

SEC. 5. Said corporation may for the purposes aforesaid, occupy the bed of Dog river with its aqueduct or aqueducts and cross said river and its tributaries at any point, and may dig up or open any street, common, or highway, for the purpose of constructing, laying down, or repairing such aqueduct or aqueducts and reservoirs connected with the same and their necessary appurtenances, feeders and extensions; provided the same be done in such manner as not to prevent their convenient use for travel, and be completed in a reasonable time, and so as not to disfigure or injure said street, common, or highway.

SEC. 6. Said corporation may enter upon and use any land and enclosure over or through which it may be necessary for said aqueduct or aqueducts to pass on the most practicable route or routes from whence its waters may be taken, and may



for the use of said road and said capital stock shall be divided into shares of one hundred dollars each.

SEC. 3. Geo. H. Fitzgerald, Z. M. Mansur, and H. H. Lucas shall be commissioners to receive subscriptions to the capital stock of said corporation, who may cause such preliminary surveys and explorations to be made as they may deem expedient and the expense shall be paid by said corporation when organized; and who shall after one hundred shares of the capital stock of said company have been subscribed, proceed to give notice to the stockholders for the election of five directors of said company as provided by law.

SEC. 4. Said directors may cause such examination and surveys of the line of said road as they may deem necessary to be made and may locate their said road not exceeding six rods in width and shall by certificate under their hands, designate the line and route on which they have so located said road and cause the same to be recorded in the several town clerks' offices in the towns into or through which said road shall pass, also in the Essex county clerk's office. Said directors may at any time make such alterations in the route or location of said road as they may deem necessary or expedient, always causing such alterations to be recorded in the town clerks' offices in the towns where such alterations shall be made.

SEC. 5. Said corporation may contract with the managers of any other railroad to construct said railroad; to transport and carry persons and freight over the same, may contract with, lease of, purchase or consolidate with any other railroad and before or after such consolidation may issue bonds, or mortgage as provided by the general laws of the state, and do such other things as may be necessary to build and run said road.

SEC. 6. If said corporation shall not within five years commence the construction of said road and within ten years complete and put the same in operation this act shall cease to be operative.

SEC. 7. This act shall be under the control of future legislatures to alter, amend or repeal, as the public good may require.

Approved November 20, 1896.

# No. 203.—AN ACT TO INCORPORATE THE RUTLAND AND MONTPELIER RAILROAD COMPANY AND TO ENABLE CERTAIN TOWNS TO AID IN THE CONSTRUCTION THEREOF.

SECTION	SECTION
1. Corporate name, purpose and powers.	9. Limitation respecting the construction of the road.
2. Capital stock.	10. Deemed a public act and subject to general laws; exception.
3. Commissioners to receive subscriptions; books, when and where opened.	11. Contracts with other roads.
4. Directors.	12. Certain towns may aid in the construction.
5. Road located; provisions concerning.	13-16. Manner of giving aid; proceedings.
6. Right to connect with other roads.	17. Subject to future legislation.
7. Disagreements, how settled.	18. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Such persons as shall hereafter become stockholders are hereby constituted a body corporate, by the name of the Rutland and Montpelier Railroad Company, for the purpose and with the right of building a railroad with a single or double track of such gauge or width as shall be deemed advisable, from some point in Rutland city through the city of Rutland and through the towns of Rutland, Chittenden, Mendon, Sherburne, Pittsfield, Stockbridge, Rochester, Hancock, Granville, Warren, Waitsfield, Moretown, Middlesex, Berlin and Montpelier, to some point in Montpelier city, to transport and carry persons and property on the same by the power of steam or otherwise: and by that name may sue and be sued, may have a common seal, and shall have all the rights incident to corporations.

SEC. 2. The capital stock of said company shall be one million dollars, which may be increased from time to time to such an amount as may be necessary to complete said railway and furnish all necessary buildings, railway furniture and other appurtenances needful and convenient for the use of said railway, and said capital stock shall be divided into shares of one hundred dollars each.

SEC. 3. W. M. Huntington, E. H. Edgerton, W. D. Huntington, F. A. Kezer, D. D. Hemenway, C. W. Brigham, E. W. Slayton, Plynna Parker, H. W. Lyford, Charles Dewey, Rockwood Barrett and R. J. Flint shall be the commissioners to receive subscriptions to the capital stock of said company, who shall open the books therefor at such times and places as they or a majority of them shall elect, giving ten days notice thereof by publication in one or more newspapers published in Addison, Rutland, Washington and Windsor counties.

SEC. 4. Said commissioners shall, as soon as twenty-five hundred shares of the capital stock of said company shall have



been subscribed cause notice to be given to the stockholders for the election of not less than five nor more than seven directors of said company, which notice shall be given by publication in one or more newspapers published in Rutland, Windsor, Addison and Washington counties, at least two weeks prior to the time of holding such election, at which time and place designated in said notice the stockholders shall elect said directors, who shall hold their office for one year and until others are elected.

If any vacancy shall occur in said board of directors, the clerk of said company may call a special meeting of the stockholders to fill said vacancy.

SEC. 6. Said directors may cause such examinations and surveys of the line of said road to be made; and after such examinations and surveys may locate said road, not exceeding four rods in width; and shall, by a certificate under their hands and the corporate seal, designate the line or route on which they have located their said road, and shall cause the same to be recorded in the several town clerks' offices in the towns into or through which said road shall pass.

Said directors may from time to time make such alterations in the location of said road as they may deem expedient, causing the same to be recorded in the town clerks' offices in the towns where such alterations are made.

SEC. 7. The corporation hereby created shall have the right to connect their road with the railroads entering the cities of Rutland and Montpelier at such points as shall be mutually agreed upon by said connecting roads; but if said parties cannot agree upon the terms of connection, the same shall be determined on the application of either party in the manner provided in section eight of this act; and the respective rights and obligations of the said railroad companies and the company hereby incorporated, in relation to the transportation of freight and passengers over their respective roads, or any business common to either or any railroad, shall be controlled by the general laws of this state now in force, respecting railroad corporations, and by any general laws relating to that subject which hereafter may be enacted.

SEC. 8. If the said companies cannot agree upon the point and terms of connection, or the price to be paid for freight and passengers carried over said roads, either company, on notice to the other company or companies, may apply to the supreme court sitting in said county, which shall, on such application, appoint three commissioners who shall hear and determine all matters of disagreement between said companies, and shall establish the price to be charged by each of said companies respectively; such commissioners shall report such determina-

tion to the supreme court; and the same when approved by said court, shall be obligatory upon said companies until modified by a new board of commissioners appointed in the manner aforesaid; and said court may enforce such order or award by any proper order or process of said court.

SEC. 9. If said company shall not within five years from the passage of this act commence the construction of their said road, and shall not within ten years from the passage of this act finish the same, then this act shall be void.

SEC. 10. This act shall be deemed and taken to be a public act, and shall be construed favorably and beneficially for all purposes for which the same is intended, and shall be subject to all general laws relating to railroads which have been or may hereafter be enacted; provided said company shall not be required to commence the construction of said road, except as named in section nine of this act.

SEC. 11. Said directors may contract with the managers of any railroad company to construct said railroad and to perform all transportation of persons and property upon and over said road, and may lease the said road and do such other things as may be necessary to build and run said road.

SEC. 12. Any town in Addison, Rutland, Washington and Windsor counties may aid in the construction of the Rutland and Montpelier railroad by subscribing to the stock of said railroad, or by issuing bonds to aid said railroad or in such other manner as said town shall direct; provided that no town shall assume any liability for said railway exceeding the amount of the grand list which the towns are allowed to raise under the general law at the time such aid is granted.

SEC. 13. Such aid shall be given in the following manner, to wit:

The selectmen of said towns, on application of ten or more voters of said town, shall, within ten days after the receipt of such application, warn a meeting of the legal voters of said towns to be held at the usual place of holding town meetings in said towns, which notice shall specify the time and place of the meeting, which shall not be more than twenty nor less than twelve days from the time of posting said notice; and the warning shall be sufficient if it states that the business to be done at said meeting is to aid in the construction of the Rutland and Montpelier railroad; and if a majority of the votes given at said meeting shall be to aid said railroad, then the town shall fix the amount of aid to be given, and the terms thereof; and may appoint three commissioners who shall be resident tax payers of said town; and if no commissioners shall be appointed, the selectmen shall act as commissioners until commissioners shall be appointed by said town. Said commissioners shall be duly sworn, and shall, as



soon as may be, procure suitable books in which said vote shall be set forth, in which the taxpayers of the town may sign their names, assenting to said vote, and the grand list of each person signing said assent shall be annexed to his name; and when a majority of the taxpayers of said town, both in number and amount of grand list shall have signed the same, the same shall be binding on said town; provided the signatures are procured within six months after the first signature is made to the paper; and all persons or corporations liable to pay taxes, and all persons who shall be owners of real estate, and taxpayers of said town, taxed at the time the assent is given, shall have a right to assent to said vote.

SEC. 14. The said vote and assent when so signed as aforesaid shall be duly certified by the commissioners or selectmen, and recorded by the town clerk in the town clerk's office at length in the land records of said town; and a duly certified copy of the vote of the town and the certificate of the commissioners or selectmen to the same that the act has been complied with by a majority of the taxpayers both in number and amount of grand list, who have duly signed the same, with the certificate of the town clerk that the same has been duly recorded in his office, shall be recorded in the office of the secretary of state and certified copies from either office shall be full proof in any court that the law has been complied with.

SEC. 15. Said town may issue bonds with coupons, payable semi-annually at a rate of interest not exceeding six per cent., for the purpose of aiding said railroad.

SEC. 16. The selectmen or commissioners aforesaid, as soon as the assent is given and recorded as aforesaid, shall proceed to carry into effect the vote of said town, according to the terms and conditions thereof, and shall have power to vote and act for said town on all proper occasions to carry into effect the aforesaid vote, and their votes and acts shall be binding on said town.

SEC. 17. This act shall at all times be under the control of the legislature to amend or repeal, as the public good may require.

SEC. 18. This act shall take effect from its passage.

Approved November 20, 1896.

# No. 204.—AN ACT TO INCORPORATE THE WHITE RIVER VALLEY RAILROAD COMPANY.

## SECTION

1. Corporate name, purpose and powers.
2. Capital stock.
3. Commissioners to receive subscriptions; books to be opened; directors; organization of corporation.
4. Other officers; by-laws; further subscriptions to capital stock.
5. Limitation as to commencement of construction.
6. Special powers.
7. Streets may be occupied under certain conditions.

## SECTION

8. Fare and tolls; size of cars and speed of running.
9. Town aid authorized.
10. Penalty for hindering or obstructing company in use of road or track.
11. Money may be borrowed, bonds issued and property mortgaged.
12. Subject to future legislation.
13. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The subscribers to the capital stock of the corporation hereby established, and their assigns, are constituted a corporation and body politic, by the name of the White River Valley Railroad company for the purpose and with the right of constructing, maintaining and operating a railroad in the towns of Bethel, Stockbridge, Pittsfield and Rochester, and of transporting persons and property thereon, for hire; and by that name may sue and be sued, may have a corporate seal, and have all the rights incident to corporations.

SEC. 2. The capital stock of said company shall be two hundred thousand (\$200,000) dollars, which may be increased from time to time to such an amount as shall be necessary to complete the road of said company, and furnish the same with all necessary buildings, furniture and equipment, and all other appurtenances, useful or convenient for its operation, which capital stock shall be divided into two thousand (2,000) shares of one hundred (\$100) dollars each.

SEC. 3. W. M. Huntington, C. H. Green, F. A. Kezer, John R. Tupper, W. D. Huntington, C. W. Brigham, W. H. Campbell and E. H. Edgerton shall be commissioners to receive subscriptions to the capital stock of said company, and may themselves subscribe thereto; they shall open the books for such subscriptions at such time and place as they, or a majority of them shall designate, giving ten days' notice thereof by publication in at least one newspaper printed in each of the counties of Windsor and Rutland.

As soon as two hundred shares of said stock have been subscribed for said commissioners shall cause notice to be given to the subscribers, of a meeting to be held for the election of directors, which notice shall be given by mailing a copy thereof to each subscriber, signed by the acting chairman of said board of commissioners, stating the time and place of said meeting. Notices of said meeting shall be mailed not less than ten days before the date of



the court shall be final upon the report of said commissioners ; and costs may, in the discretion of the court, be allowed to either party.

SEC. 9. Said railway may cross the tracks of any other railway company in such manner and on such conditions as may be agreed upon.

In case of failure to agree either party may apply to the railroad commissioners, and said commissioners, after due notice and hearing shall decide the questions submitted to them, and make such orders in the premises as they may deem just. And if requested by either party they shall make report of their doings to the county court, and said court may render judgment thereon and have all the power of the court of chancery in making orders and decrees and enforcing the same.

SEC. 10. If said company shall fail at any time to repair the tracks and the highway and street within or adjacent to the same as above required, for the space of ten days after notice by the selectmen of the towns, or by the trustees of the villages within their respective limits, then said selectmen or trustees may make such repairs as required, and the towns or villages, as the case may be, may collect the expense thereof from said company.

SEC. 11. Said company may transport passengers upon said road, and may transport freight in the towns of Montgomery and Richford, and to and into the village of Richford upon said railroad and regulate their own rates of fare and tolls.

SEC. 12. Any person, society or corporation who shall unlawfully hinder or obstruct said company in the use of its roads or tracks, or in the construction of the same, shall for every such offense be fined not exceeding fifty dollars, or imprisoned not exceeding three months, or both.

SEC. 13. Said corporation shall have the power to borrow money and issue its bonds therefor, and may mortgage its property both real and personal, to secure payment of the same, to an amount not exceeding ten thousand dollars for each mile of its road built.

SEC. 14. If said company fails to acquire by gift or purchase such real estate and right of way as the business of said company may require they shall cause the same to be surveyed, and furnish a copy thereof to the owner or agent of such estate, and thereupon either party in interest may make written application to the railroad commissioners who after due notice and hearing, shall first adjudge whether the taking of such estate is necessary for the construction or operation of said railway ; if found to be necessary, they shall appraise the same, and award the costs of hearing as they shall deem just ; and before said company shall take possession thereof, they shall pay said

award. Upon such payment being made, the commissioners shall cause such survey, their decision in the premises, and a receipt or a certificate of payment as aforesaid to be recorded in the town clerk's office where said property was located ; and thereupon said company may enter upon, use and occupy said estate.

SEC. 15. If the rights of any person arising by the construction or operation of said railway becomes a matter of disagreement between such person and said company, the same shall be referred to the railroad commissioners, upon petition by either party in interest, and said commissioners after due notice and hearing shall decide the same, and upon the request of either party, shall make report of their doings to the county court in the county where the property claimed to be damaged is located, and the same hearings thereon and exception thereto may be had in said court as is provided by law, and the rules of practice, upon the reports of referees appointed by such court. Upon such a report being filed the county court shall render judgment thereon.

SEC. 16. The provisions of sections three thousand eight hundred and fifteen to three thousand eight hundred and twenty-one inclusive of the Vermont Statutes shall so far as consistent, apply to this act.

SEC. 17. Said corporation shall have the right to manufacture, sell and furnish heat, power and artificial light by any method, principle or appliance now known or hereafter discovered.

SEC. 18. Section one hundred and ninety of Vermont Statutes is hereby suspended for the purposes of this act.

SEC. 19. This act shall be under the control of future legislation and shall take effect from its passage.

Approved November 18, 1896.

NO. 216.—AN ACT IN AMENDMENT OF NO. 180 OF THE LAWS OF 1882, ENTITLED "AN ACT TO INCORPORATE THE RUTLAND AND TIDEWATER RAILROAD COMPANY" APPROVED NOVEMBER 18, 1882.

*It is hereby enacted by the General Assembly of the State of Vermont :*

SECTION 1. Section nine of No. 180 of the session laws of 1882, entitled "An act to incorporate the Rutland and Tidewater



Railroad Company", approved November 18, 1882, as amended by act No. 183, of the session laws of 1886, entitled, "An act in addition to No. 180 of the acts of 1882" approved November 22, 1886, is hereby amended so that said section nine shall read as follows:

Sec. 9. If said company shall not on or before the first day of January, 1902, commence the survey and construction of said road and expend at least fifty thousand dollars and shall not within five years thereafter complete and put in operation said road so far as practicable, said corporation shall take no benefit of this act and the same shall be null and void, except so far as said road may be completed.

SEC. 2. Said act No. 180 of the session laws of 1882 is hereby further amended by adding thereto the following section:

SEC. 12. Said corporation shall have the right to construct and operate its railway west from the west line of the town of West Rutland, provided it does not use steam as a motive power, in such streets or highways as it may deem expedient or necessary upon such terms and conditions as may be agreed upon with the selectmen of the town, trustees of the village, or aldermen of the city in which the respective streets or highways may be situated, and in case said corporation fails to agree with said selectmen, trustees, or aldermen, as the case may be, either party may apply to the railroad commissioners. Upon such application, said commissioners shall after due notice to the parties, examine the premises, hear the parties, and decide the questions presented to them, and their decision shall be final.

Approved November 24, 1896.

#### NO. 217.—AN ACT RELATING TO THE RUTLAND STREET RAILWAY COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Rutland Street Railway Company, a corporation operating a street railway in the city of Rutland, is hereby authorized and empowered to construct, maintain and operate its track, at grade, across the tracks of the Bennington & Rutland Railway Company and of the Clarendon & Pittsford Railroad Company, in extending its street railway in accordance with the permission granted to said Street Railway Company by

the city council of the city of Rutland on the first day of October A. D. 1894.

SEC. 2. The said Rutland Street Railway Company shall stop its cars at a distance of not more than fifty feet from said crossings before attempting to cross, and the conductor of the car of said Street Railway Company shall go forward on to the tracks of said Bennington & Rutland Railway Company and said Clarendon & Pittsford Railroad Company and ascertain if a train is approaching such crossing, and if not he shall give the signal to cross, and said conductor shall remain on said crossing until his car has passed over.

SEC. 3. This act shall take effect from its passage.

Approved October 30, 1896.

#### NO. 218.—AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE RUTLAND STREET RAILWAY COMPANY" APPROVED NOVEMBER 13, 1882.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Rutland Street Railway Company may extend, construct, maintain and operate its railway in any of the following towns or incorporated villages or fire districts therein, viz: Clarendon, Ira, Castleton, Poultney, Fair Haven, West Haven and Benson. It shall have all the rights and privileges and be subject to the same conditions and restrictions, in any of the aforesaid places, as granted to it or required of it in its original charter.

SEC. 2. The said company may build and operate any power plant or plants, or may contract with any person or corporation for furnishing or being furnished electric or other power.

SEC. 3. If said company fails to acquire by gift or purchase such real estate or right of way as the business of said company may require they may enter upon lands of a person, but they shall cause the same to be surveyed and furnish a copy thereof to the owner or agent of such estate, and thereupon either party in interest may make written application to the railroad commissioners, who, after due notice and hearing, shall first adjudge whether the taking of such estate is necessary for the construction of said railway; if found to be necessary they shall appraise the same and award the costs of hearing as they shall deem just; and be-



fore such company shall take possession thereof it shall pay or tender said award. Upon such payment being made or tender being made the commissioners shall cause such survey, their decision in the premises and receipt or certificate of payment as aforesaid, to be recorded in the town clerk's office where such property is located; and thereupon said company may enter upon, use and occupy such estate.

SEC. 4. The several towns or any of them may aid in the extension, construction and equipment of said railway to an extent not exceeding twice their grand list.

Approved November 20, 1896.

NO. 219.—AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT TO INCORPORATE THE ST. JOHNSBURY STREET RAILWAY COMPANY" APPROVED NOVEMBER 12, 1892.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section one of act No. 141 of the session laws of 1892, entitled "An act to incorporate the St. Johnsbury Street Railway Company" approved November 12th, 1892, is hereby amended by adding after the words "St. Johnsbury" in the ninth line of said section, the words *and the town of Lyndon and the village of Lyndonville.*

SEC. 2. Section six of said act is hereby amended by adding after the words "Portland Street" in the tenth line of said section, the words *or in any other streets or highways in the villages of St. Johnsbury and Lyndonville and the towns of St. Johnsbury and Lyndon.*

SEC. 3. Section seven of said act is hereby so amended as to read as follows, to wit: For the purpose of constructing and maintaining its road, said company may enter upon, use and occupy so much of the streets, highways and bridges upon said route, and highways and streets as shall be necessary; provided that said railway shall conform as near as possible to the grades, which are or may hereafter be established for such streets and highways and that the track shall be so located as not to interfere unnecessarily with the travel thereon, and shall not interfere with the proper and free access to the culverts, sewers, water and gas pipes of said villages and towns. Said railway may cross the tracks of any other railroad company in

such a manner as the board of railroad commissioners shall approve.

Said company shall keep the highway between its tracks and for a distance of two feet upon each outer side thereof, in as good condition for travel as the adjacent highway, and shall so grade the streets and cross-walks within and adjacent to its tracks that persons and vehicles can conveniently cross or turn off the same. If said company shall at any time fail to repair its tracks and the highway or streets within or adjacent to the same as above required, for the space of ten days after notice from the selectmen of the towns or from the trustees of the villages within the village limits, then said selectmen or trustees may make such repairs as are required, and the towns or villages, as the case may be, may collect the expense thereof from said company. But this act is subject to the provisions of chapter one hundred and seventy of the Vermont Statutes.

SEC. 4. This act shall take effect from its passage.

Approved November 21, 1896.

NO. 220.—AN ACT IN AMENDMENT OF ACT NO. 242 OF THE LAWS OF 1894, TO INCORPORATE THE SPRINGFIELD ELECTRIC RAILWAY COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section seven of act No. 242 of the laws of 1894 is hereby amended by adding thereto the following: *in any of said respective towns or villages, and may be so filed within five years from the passing of this act.*

Approved November 21, 1896.



ner as is provided by law for the collection of town taxes by towns.

SEC. 9. The trustees and clerk in said corporation shall constitute a board for the abatement of taxes in said district, and shall have the same power and proceed in the same manner as the board for abatement of town taxes.

SEC. 10. A member of said corporation shall not be disqualified by reason of such membership to act as sheriff or constable in any cause or proceeding in which said corporation is interested.

SEC. 11. Said corporation at an annual meeting, at any special meeting called for that purpose, is hereby authorized and empowered to vote to borrow money for the purpose herein mentioned, and to issue its notes therefor, which notes shall be signed by three trustees and countersigned by the treasurer of said corporation and payable at such time or times as said corporation may direct. Before said notes shall be issued, a record thereof shall be made in a book kept for that purpose in the office of the treasurer of the corporation.

SEC. 12. This act shall be subject to future legislatures to alter, amend or repeal, and shall take effect at any date previous to the first day of November, A. D. 1900, provided a majority of the legal voters of said proposed corporation, present at a meeting warned by the persons hereinafter named, vote to accept the provisions of the act, and in case said provisions are accepted, said meeting shall appoint a time and place for holding a meeting for the election of officers of the corporation.

SEC. 13. The first meeting of the legal voters in said corporation shall be called by F. P. Mather, H. M. Guild, F. W. Pierce, Hugh Henry and A. W. Moore, of Chester, or by a majority of them by posting notice of the time and place of meeting in two public places in said district, and by publishing the same in the Chester Advertiser or some other paper published in the county of Windsor in one issue, not less than five days nor more than thirty days before the time of holding said meeting.

SEC. 14. The said corporation may at any time change its boundaries by a majority vote at any meeting duly called when such proposed change has been set forth and described in the warrant for such meeting.

Approved November 24, 1896.

No. 227.—AN ACT IN AMENDMENT OF AN ACT APPROVED NOVEMBER 21, 1892, ENTITLED "AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT TO INCORPORATE THE STANDARD LIGHT AND POWER MANUFACTURING COMPANY, APPROVED NOVEMBER 13, 1886."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section two of act No. 202 of the session laws of 1892 entitled "An act in addition to and amendment of an act to incorporate the Standard Light and Power Manufacturing Company, approved November 13, 1886" is hereby amended so as to read as follows, to wit:

The Consolidated Lighting Company shall have the right to acquire by purchase, the property, business, rights and franchise of the Montpelier Gas Light Company in the towns of Montpelier and Berlin, and to sell and transfer to the Barre Electric Light, Power, Manufacturing and Street Railway Company, incorporated under act No. 198 of the session laws of 1892, or to any other corporation authorized by law to purchase the same, all the rights, privileges and franchise of said Consolidated Lighting Company and of the Standard Light and Power Manufacturing Company, of and for constructing and operating electric railways in any or all of the towns of Montpelier, Barre and Berlin and in the cities of Montpelier and Barre.

SEC. 2. This act shall take effect upon its passage.

Approved November 18, 1896.

No. 228.—AN ACT TO INCORPORATE THE THOMPSON-HOAG REFRIGERATION AND POWER COMPANY.

SECTION

1. Corporators; corporate name, purpose and powers.
2. Capital stock.
3. Special powers.
4. Directors.
5. By-laws.

SECTION

6. Streets may be occupied under certain conditions.
7. Location of principal office; first meeting.
8. When to take effect; subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Jesse E. Thomson, Homer L. Hoag, J. Thomson, and Charles Hoag, and such other persons as may be asso-



ciated with them, with their successors and assigns, are hereby created a body politic and corporate by the name of the Thomson-Hoag Refrigeration and Power Company for the purpose of generating electricity and power, carrying on a cool storage business, using, selling and leasing power for any and all purposes, including electric lighting, and the transaction of any other business incident thereto.

By that name they may sue and be sued; plead and be impleaded and may appear and prosecute to final judgment in any court; may have a common seal and the same alter at pleasure; and shall have and enjoy all the rights, powers and privileges and franchises incident to corporations. Said corporation may hire or purchase with cash, stock or otherwise such real estate and personal property rights, privileges and franchises as it may deem desirable, useful or convenient for the purposes of its business, and may hold, sell or convey, let, lease or improve the same or any part thereof.

SEC. 2. The capital stock of said company shall be forty thousand dollars, which may be increased by said company with the consent of stockholders holding at least two-thirds of the capital stock issued, to a sum not exceeding one hundred thousand dollars in the whole, which shall be deemed to be personal property and be divided into shares of one hundred dollars each; said capital stock shall be full paid and non-assessable when said company's directors shall receive in payment thereof its par value in cash or property of equal value.

SEC. 3. Said corporation may issue its bonds and secure the same by mortgage on its property of all kinds, real and personal, in part or entire, including its franchise to be a corporation to an amount not exceeding two-thirds of the value of the property mortgaged; and may do any and all such things as may be necessary to carry fully into effect all the intents and purposes of this act.

SEC. 4. All the affairs, business and property of the corporation shall be managed by a board of not less than three directors, who shall be holders of stock of the corporation, and shall be chosen annually by the stockholders, at such time and place, and in such manner, as shall be provided in the by-laws of the corporation and shall hold their office one year and until others are chosen. The directors shall elect one of their number president of the board and of the corporation and shall appoint a clerk, treasurer and such other officers and agents as they may deem necessary or as may be provided by the by-laws of the corporation; they may fill vacancies existing in their board or that may occur therein during the year.

SEC. 5. The stockholders shall make and adopt such regulations and by-laws as may be deemed necessary and are not re-

pugnant to public policy or the laws of this state, for the management of the business and affairs of the corporation; shall annually fix and determine the number of members not less than three that shall constitute the board of directors for the ensuing year, and choose the same or a quorum thereof in the way and manner provided by the by-laws of the corporation; and may do and transact any other business that may properly come before them. Each share of the common stock of the corporation shall entitle the record holder to one vote in person or by written proxy duly filed by the clerk.

SEC. 6. Said corporation, observing and complying with all lawful ordinances and regulations as to the use of streets and highways, may run electrical lines along, over or under streets, highways, alleys, lanes, avenues or public grounds in the towns of Pittsford, Chittenden, Mendon and Rutland and in the city of Rutland; provided that public travel shall not be unnecessarily affected or impeded thereby, and such streets, highways, alleys, lanes, avenues and public grounds shall not be injured thereby, but shall be left in as good condition as before.

SEC. 7. The principal office of the corporation shall be in the city of Rutland, in the county of Rutland and State of Vermont, and the first meeting of the corporation shall be called by Jesse E. Thomson and Homer L. Hoag at such time and place as they may appoint upon giving at least seven days notice thereof in writing to the other incorporators. A majority of the incorporators shall constitute a quorum for organization and any other business that may come before them.

SEC. 8. This act shall take effect from its passage and shall be under control of any future legislation to alter, amend or repeal as the public good may require.

Approved November 24, 1896.

## No. 229.—AN ACT TO INCORPORATE THE WHITE RIVER POWER COMPANY.

### SECTION

1. Corporate name; purpose and powers; location.
2. Capital stock.
3. Commissioners to receive subscriptions.
4. First meeting; directors.
- 5-6. Special powers.

### SECTION

7. Bond issue authorized.
8. By-laws.
9. Subject to future legislation.
10. When to take effect.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Such persons as shall hereafter become stockholders are constituted a body corporate by the name of the



No. 268.—AN ACT TO AMEND SECTION FIVE OF ACT NUMBER 146 OF THE ACTS OF 1886 RELATING TO EVERGREEN CEMETERY ASSOCIATION IN THE CITY OF RUTLAND.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section five of act No. 146 of the acts of 1886 is hereby amended so as to read as follows:

In cases where burials or interments have been made, or hereafter shall be made, upon any lot in said cemetery, and the person using said lot shall not have paid therefor, and said corporation shall not have made any conveyance thereof, the trustees may proceed to remove the bodies so interred in the following manner: The trustees shall notify the nearest living relatives to them known, if any, of the deceased so interred, to remove such body or bodies, and if they do not remove such body or bodies within sixty days after such notice, or if no living relatives of the deceased are known to the trustees, the said trustees may then remove such body or bodies to some suitable place in said cemetery, and suitably inter such body or bodies, and shall also remove and erect at the spot where such body or bodies shall have been interred by them, all headstones and markers which they may find placed at such original grave, and may then sell and dispose of such original lot. Such removal of bodies by said trustees shall be made to such part of said cemetery as now is or hereafter may be set apart for sale for single burials. In case of all such removals, the said trustees shall make and preserve a complete record thereof, showing fully the place from which the body is removed, and where re-interred, together with the name of the deceased, when known, and all facts relating to matters of identification, but no body shall be disinterred except by authorization of a majority of the common council and justices in the city of Rutland.

SEC. 2. This act shall take effect from its passage.

Approved November 24, 1896.

No. 269.—AN ACT AUTHORIZING THE GREEN MOUNT CEMETERY ASSOCIATION TO TRANSFER, AND THE CITY OF BURLINGTON TO RECEIVE, THE ENTIRE CEMETERY PROPERTY HELD BY OR BELONGING TO SAID ASSOCIATION.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The title of a certain tract of land containing about one and one-half acres with the buildings thereon standing, conveyed by E. J. Phelps, Charles W. Woodhouse, B. B. Smalley, G. G. Benedict, S. H. Weston and Ormond Cole by deed dated the 20th day of January, A. D. 1883, and recorded in Vol. 17 page 337 of the land records of the city of Burlington, to the Green Mount Cemetery Association, a corporation created under and by virtue of act No. 91 of the laws of 1868, entitled, "An Act to Incorporate the Green Mount Cemetery Association of Burlington," is hereby declared to be legal and valid; and said association is hereby authorized and empowered to hold said land and the buildings, and to convey the same at pleasure.

SEC. 2. All sums of money now held by said association, in trust or otherwise which said association heretofore received of Timothy Sibley, Betsey A. Webster, Mary M. Fletcher, Charles W. Woodhouse, B. B. Smalley, Joseph B. Small, Ira S. Putnam, Rhoda Beach, Thankful Austin, Walter Carpenter and Eliza S. Smith, respectively, the income of which was directed to be expended in the care, maintenance and embellishment of certain lots by them designated, are hereby declared to be legally held by said association; and the investment of said funds, or any part thereof, in the purchase of real estate mentioned in section one hereof, is hereby declared to be legal and valid.

SEC. 3. Said Green Mount Cemetery Association is hereby authorized and empowered to convey by proper instrument, duly executed and acknowledged in its behalf, all the right, title, interest and estate of said association in and to all that piece or parcel of land situate in the city of Burlington, which was by said city transferred to the said Green Mount Cemetery Association on the third day of November 1870, as provided by act No. 91 of the laws of 1868, entitled "An Act to Incorporate the Green Mount Cemetery Association of Burlington," which said instrument of conveyance is recorded in Vol. 6 pages 202 and 203 of the land records of the city of Burlington; also all the right, title, interest and estate of the said Green Mount Cemetery Association in and to the lands now standing in its name; also



*Probate Court*

**ACTS AND RESOLVES**  
PASSED BY THE  
**GENERAL ASSEMBLY**  
OF THE  
**STATE OF VERMONT**  
AT THE  
**FIFTEENTH BIENNIAL SESSION, 1898.**



**PUBLISHED BY AUTHORITY.**

BURLINGTON :  
FREE PRESS ASSOCIATION, PRINTERS AND BOOKBINDERS.  
1898.

**Acts & Resolves 1898**



The said commissioners shall have entire direction and supervision of the improvements hereby provided for and may appoint some suitable person to superintend the same. The expense for plans shall not exceed two hundred dollars: the commissioners shall advertise for bids for furnishing the materials and doing the work necessary for the proposed improvements and no plan shall be adopted, no bid shall be accepted and no contemplated improvements shall be entered upon which will involve the expenditure of more than the sum appropriated by this act for the completion of such improvements.

Approved November 26, 1898.

No. 148.—AN ACT TO AUTHORIZE THE DIRECTORS OF THE STATE PRISON TO PROVIDE FOR ELECTRIC LIGHTING OF THE PRISON AND TO PROVIDE A RESIDENCE FOR THE KEEPER.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The directors of the state's prison are hereby authorized if in their judgment they deem it for the best interest of the state to expend not to exceed four thousand dollars for an electric plant to light said prison and a further sum not exceeding thirty-five hundred dollars for the purchase of a dwelling for the keeper of said prison.

SEC. 2. This act to take effect from its passage.

Approved November 22, 1898.

No. 149.—AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF ADDITIONAL LAND FOR THE HOUSE OF CORRECTION.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The sum of five thousand dollars is hereby appropriated for the house of correction. Out of said appropriation the directors of said house of correction may at their discretion purchase the plot of land lying next north of and adjoining the

lands of the state upon which the house of correction is erected, said plot not to be less than sixteen acres.

SEC. 2. If the said directors purchase said lands, the auditor of accounts shall examine and approve of the title thereof, and draw his order upon the state treasurer for the amount of the purchase price of said lands, not exceeding the sum appropriated in the first section.

SEC. 3. This act shall take effect from its passage.

Approved November 26, 1898.

No. 150.—AN ACT IN AMENDMENT OF ACT NUMBER 137 OF THE ACTS OF 1894, RELATING TO POLLUTION OF THE WATERS OF MISSISQUOI RIVER.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Number 137 of the public acts of 1894 is hereby amended so as to read as follows: A person owning or operating a mill, who shall by himself or his agent deposit or suffer to be deposited, any sawdust, shavings, or any mill refuse in the waters of the Missisquoi river above Enosburgh Falls, or in any of the tributaries of said Missisquoi river above Enosburgh Falls shall be fined not less than twenty dollars nor more than one hundred dollars, in the discretion of the court, for each offense.

SEC. 2. This act shall take effect from March 1st, 1899.

Approved November 16, 1898.

No. 151.—AN ACT TO PREVENT THE POLLUTION AND OBSTRUCTION OF THE WATERS OF LAKE MOREY IN FAIRLEE, AND TO REPEAL NUMBER 130 OF THE ACTS OF 1896.

*Is is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. If a person puts or causes to be put, brush, trees, timber, lumber, or other substance dangerous to navigation, into, or upon the banks of Lake Morey in the town of Fairlee, or into, or upon the banks of streams running into said lake, so that it is drawn or washed into the same, and suffers it



within sixty days from the passage of the act or the same will be void.

Approved November 16, 1898.

No. 160.—AN ACT TO INCORPORATE THE RUTLAND-CANADIAN RAILROAD COMPANY.

Section

1. Corporators; purpose of incorporating; description of proposed route; powers.
2. Directors may regulate transportation and establish rates of toll.
3. Capital stock; commissioners to secure subscriptions and their duties.
4. Organization; power of directors.
5. Survey, location and records thereof; alterations in location; branches; power to take property; may construct bridges across Lake Champlain.

Section

6. May cross and connect with railroads on right of way.
7. May pay for construction and equipment in stock and bonds; may mortgage to secure bonds.
8. Road must be begun and completed within certain time; towns may aid.
9. Subject to general law except when inapplicable.
10. A public act; takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Wallace C. Clement, H. G. Smith, Frank R. Wells, Frederick W. Wilder, W. W. Stickney, George R. Botum, John W. Stewart, W. Seward Webb, and Percival W. Clement, and such other persons as may be associated with them, and their successors and assigns, are hereby constituted and created a body politic and corporate by the name of the "Rutland-Canadian Railroad Company," for the purpose and with the right of constructing, maintaining and operating a railroad for public use in the conveyance of persons and property by the power of steam or otherwise, from some point in the city of Burlington, in the county of Chittenden, on or near the railroad of the Rutland Railroad Company, to some convenient points on the Canada line and the New York line in the town of Alburgh in the county of Grand Isle. Said railroad may extend from such point in said city of Burlington through the city of Burlington and the towns of South Burlington, Colchester and Milton, in said county of Chittenden, or through so many of said towns as shall be most advantageous to some point on the shore of Lake Champlain, thence across Lake Champlain to some convenient point in the town of South Hero, thence through the towns of South Hero and North Hero to some convenient point in the town of Alburgh, all in said county of Grand Isle, thence in two branches to some convenient point on the Canada line, and some convenient point on the New York line, or over so much of said

route as is most convenient, with the right to cross Lake Champlain at convenient points between said towns of Colchester or Milton and South Hero, South Hero and North Hero, North Hero and Alburgh, and Alburgh and the state of New York. Or said corporation may, in its discretion, instead of following the route above described, construct its railroad from such point in the city of Burlington through any towns or cities in the counties of Chittenden, Franklin, and Grand Isle to a convenient point on the Canada line with a branch to a convenient point on the New York line and may cross Lake Champlain at any place or places on the route adopted. Said corporation shall have and enjoy the right of eminent domain and shall have full power to connect with, sell or lease to, or consolidate with, or to acquire by purchase or lease, and to operate any other railroad within or without this state, and may lay out, construct and maintain a railroad with a single or double track on the route designated by its location as herein-after provided; may build, erect and maintain suitable and convenient branches, buildings, stations, fixtures, machinery, sidetracks and terminal facilities, and other appurtenances, for the accommodation of the passengers, freight and business of said railroad; may receive, take, hold, purchase, use and convey such real and personal estate as is necessary or proper in the judgment of such corporation, for the construction, maintenance and accommodation of such railroad as aforesaid, and its structures and appurtenances, and as the purposes of the corporation may require; and by its corporate name shall have perpetual succession, may sue and be sued, plead and be impleaded, and appear, defend and prosecute to final judgment in any court; may have a common seal and alter the same at pleasure, and as such corporation, shall have the powers, rights, privileges and franchises incident to railroad companies and other corporations.

SEC. 2. The directors of said corporation may regulate the time and manner in which passengers and property shall be transported on said railroad, and establish the rates of toll therefor, subject to the provisions of the general law.

SEC. 3. The capital stock of said corporation shall be one million dollars, divided into ten thousand shares of one hundred dollars each, and may be increased or diminished from time to time as the purposes of said corporation may require, by a majority vote of its capital stock outstanding. Capital stock issued by said corporation and paid for, shall not be liable to assessment. Said capital stock may be purchased, held and voted by any person or corporation organized under the laws of this or any other state or country, and each share of stock shall entitle the holder to one vote in person or by proxy at all meetings of the corpora-



tion. H. G. Smith, George R. Bottum and W. W. Stickney, or a majority thereof, shall be commissioners to receive subscriptions to the capital stock of said corporation at such time and place as they or such majority may select, and may themselves subscribe therefor. Said commissioners may require such portion of any subscription to be paid at the time of making the same as in their judgment may seem advisable. The incorporators mentioned in section 1 of this act shall have the first right to subscribe for said capital stock.

SEC. 4. Said commissioners or a majority thereof shall, as soon as one hundred shares of the capital stock shall have been subscribed, upon three days' notice to said subscribers, call a meeting thereof for the organization of said corporation; at the time and place appointed for said meeting the incorporators shall determine the number of directors for the first year, and shall be the inspectors of the election, and shall declare and certify who are elected. Thereupon the incorporators shall call a meeting of the directors, at which, a majority being present, the directors shall elect a president, clerk and treasurer, and such other officers and agents as they shall desire, and thereupon said corporation shall be deemed to be fully organized. The board of directors shall manage and control all the business, affairs and property of the corporation, shall make by-laws, and shall have, and exercise all the powers of said corporation. After said corporation is organized all subscriptions to the capital stock and the issuing thereof shall be under the control of said board of directors.

SEC. 5. The directors may cause examinations and surveys for the line of said road to be made, the expense of which shall be paid by said corporation, and after such examinations and surveys are made, may locate said road not exceeding five rods in width, except at those points where greater width is necessary for the purpose of construction, stations, yards, side-tracks, terminal facilities or otherwise, at which points said location may be of convenient width for the accommodation thereof, and shall by certificate under the hand of a majority of said directors, and the seal of the corporation, define the course, distance or boundaries of the same in each town through which it passes, and below low water mark in Lake Champlain, and shall cause the same to be recorded in the respective clerks' offices of said towns; and that part of the location covering that portion of Lake Champlain below water mark shall be recorded in the office of the secretary of state. The directors may from time to time make such alterations in the location of said road as they may deem expedient, causing the same to be recorded as above specified. The corporation hereby created may also construct branches to quarries, mills, or other business concerns on or off the line of its road as its interests may require, and said corpor-

ation shall have all privileges and rights given by the general law to railroad companies or corporations, for acquiring title and possession to property covered by its location, and to all its branches and appurtenances; also to lands and materials necessary for making or securing its railroad, and such water as is required for the use of said road; and shall have such rights in crossing private highways, public highways, turn-pikes, streams and bridges as are given to said companies or corporations; and shall have the right to construct over the waters of Lake Champlain, on the line of its location, suitable bridges for the accommodation of its road, and shall provide the same with draws suitable for navigation.

SEC. 6. The corporation hereby created shall have the right to cross or connect with any railroads on its right of way, and if said parties cannot agree as to the compensation therefor, or the manner thereof, the same shall be determined as provided by the general law.

SEC. 7. The directors may contract with any person, company or corporation for the construction of said railroad, its branches and appurtenances, and to supply equipment therefor, and may issue and deliver to any such person, company or corporation, all or any part of its entire capital stock as full paid stock, and its bonds secured by mortgage to such an amount and in such form and manner as they may deem proper, in payment for the construction and equipment of said railroad. The corporation may secure the payment of all said bonds by mortgage or mortgages upon all of its railroads, franchises and other property, including after acquired property.

SEC. 8. If said corporation shall not within two years from the passage of this act commence the construction of its said road, and shall not within five years complete the construction thereof, then this act shall be void, except as to such portion of said road as may, at that time, be constructed. Any town or city in the counties of Chittenden, Grand Isle and Franklin may aid in the construction of said railroad by subscribing to the capital stock of said corporation, or issuing bonds in aid of said corporation, or in such other manner as said towns or cities shall direct. Such aid shall be given subject to the provisions of the general law, and as provided therein.

SEC. 9. The corporation hereby created shall enjoy all powers, rights, privileges, and franchises, conferred upon or vested in railroad companies or corporations, and other corporations, by the general laws of this state, so far as the same are applicable and not inconsistent with the special provisions of this act. All acts, and parts of acts, general or special, inconsistent



with the provisions of this act shall not be held applicable to the corporation hereby created.

SEC. 10. This act shall take effect from its passage, and shall be deemed and taken to be a public act, and shall be construed favorably and beneficially for all purposes for which the same is intended, and shall, at all times be under the control of the legislature to amend or repeal as the public good may require.

Approved November 4, 1898.

No. 161.—AN ACT IN AMENDMENT OF AND IN ADDITION TO THE CHARTER OF THE BURLINGTON AND HINESBURGH RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Burlington and Hinesburgh railroad company is hereby authorized to build a spur or branch line from some point on its main line south of Park avenue in the city of Burlington to a point at or near the north line of the property known as Queen City Park, in the town of South Burlington. Said spur or branch line not to exceed one mile in length, and shall not cross the Rutland railroad at grade.

SEC. 2. The said Burlington and Hinesburgh railroad company may file its location with the town clerks of the various towns through which its railroad may pass, on or before the first day of January, A. D. 1899, and the said locations when so filed within the time as herein specified, shall be the legal locations of the said company and shall be as valid and have the same force and effect as though filed within two years after the passage of the act incorporating the said railroad company, as provided in section No. 3809 of the Vermont Statutes.

SEC. 3. Act No. 108 of the Laws of 1890, act No. 11 of the Laws of 1891, and act No. 237 of the Laws of 1894, are hereby amended so as to conform to this act.

SEC. 4. This act shall take effect from its passage.

Approved November 17, 1898.

No. 162.—AN ACT TO INCORPORATE THE CHAMPLAIN CONSTRUCTION COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

Section	Section
1. Corporators; corporate name, purpose and powers.	5. Shall have the power vested in corporations by general law.
2. Capital stock.	6. A public act and subject to future legislation; takes effect from passage.
3. First meeting and organization.	
4. Directors and officers.	

SECTION 1. Wallace C. Clement, John W. Stewart, H. G. Smith, W. Seward Webb and Percival W. Clement, and such other persons as may be associated with them, and their successors and assigns, are hereby created a body politic and corporate by the name of the "Champlain Construction Company," for the purpose, and with the right of building, constructing and repairing, within or without this state, railroads, canals, steamboats, and any buildings, structures or works required for the purposes or accommodation of any transportation company or corporation, and transportation equipment of every description, and of contracting with any person, company or corporation within or without this state, for the prosecuting and carrying on of any of said business, and of acquiring, holding, using, leasing, selling and conveying machinery and other property, real and personal, necessary for the carrying out of said purposes or any thereof, and of transacting any other business incident to the purpose or purposes aforesaid. By that name said corporation shall have perpetual succession, may sue and be sued, plead and be impleaded, and may appear, defend and prosecute to final judgment in any court; may have a common seal and alter the same at pleasure, and have and enjoy all the rights, powers, privileges and franchises incident to corporations. Said corporation may lease or purchase for cash, stock or otherwise, such real and personal property, rights, privileges and franchises, as it may deem desirable, useful or convenient, for the purposes of its business; may hold, sell and convey, let, lease or improve the same; may make any contract with any person, company or corporation within or without this state, for prosecuting any of the business for which said corporation is formed; may receive in payment for its services, or for any work done or material furnished under any such contract, or in any other manner, stock or bonds of any company or corporation organized under the laws of this or any other state or country; may purchase, hold, own, control, vote, sell or negotiate such stock or bonds; and may issue its bonds and secure the same by mortgage on its property of every kind, both real and personal, including its franchises, for any purpose.



SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and may be increased or diminished from time to time as the purposes of said corporation may require, by a majority vote of its stock outstanding, and stock issued by said corporation and paid for shall not be liable to assessment; and each share of stock shall entitle the holder to one vote, in person or by proxy, at all meetings of the corporation.

SEC. 3. The first meeting of said corporation shall be called by a majority of the persons named in section 1, at such time as they may agree upon, the other persons named therein having three days notice thereof, for the organization of said corporation and the election of a board of directors. At the time and place appointed for said meeting said incorporators shall determine the number of directors for the first year and shall be inspectors of the election and shall declare and certify who are elected and shall call the first meeting of the board of directors. Thereupon said corporation shall be deemed to be fully organized, and after said corporation is organized all subscriptions to the capital stock and the issuing thereof shall be under the control of the board of directors.

SEC. 4. All the affairs, business and property of said corporation shall be managed by a board of not less than three nor more than seven directors, who shall be stockholders of the corporation, and shall be chosen annually and shall hold office for one year and until others are chosen and qualified. The directors shall elect one of their number as president of said board and of the corporation, and shall appoint a clerk, treasurer and such other officers and agents as they shall desire, and shall make by-laws, and shall have and exercise all the powers of said corporation.

SEC. 5. Said corporation shall have all the powers, rights, privileges and franchises conferred upon or vested in corporations by the general laws of this state.

SEC. 6. This act shall take effect from its passage, and shall be deemed and taken to be a public act, and shall be construed favorably and beneficially for all purposes for which the same is intended, and shall at all times be under the control of the legislature to amend or repeal as the public good may require.

Approved November 4, 1898.

No. 163.—AN ACT AUTHORIZING ANY CORPORATION OWNING OR OPERATING THE RAILROAD FORMERLY BELONGING TO THE OGDENSBURG AND LAKE CHAMPLAIN RAILROAD COMPANY, TO SUBSCRIBE FOR AND HOLD STOCKS AND BONDS OF OTHER RAILROAD CORPORATIONS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Any corporation, whether organized now or hereafter under the laws of the state of New York or Vermont, which shall at any time own or operate the railroad that formerly belonged to the Ogdensburgh and Lake Champlain Railroad Company may subscribe for, take or hold directly or indirectly stock or bonds of any railroad corporation organized now or hereafter under the general laws of the state of Vermont or under any special act of the general assembly or otherwise.

SEC. 2. This act shall be subject to alteration, amendment or repeal, as the public good may require.

Approved November 29, 1898.

No. 164.—AN ACT IN ADDITION TO "AN ACT TO INCORPORATE THE RUTLAND RAILROAD COMPANY," APPROVED MARCH 28th, 1867.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Rutland Railroad Company is hereby authorized and empowered to purchase, hold, own, control, vote, sell or negotiate the capital stock or bonds of any railroad or transportation company or corporation, now or hereafter organized under the laws of this or any other state or country; also to guarantee the payment of the bonds of any railroad or transportation company or corporation, now or hereafter organized under the laws of this or any other state or country.

SEC. 2. Said corporation is hereby authorized and empowered to acquire by purchase or lease, and to maintain, operate and use any railroad, terminal facilities and other property of any railroad or transportation company or corporation organized under the laws of this or any other state or country.



SEC. 3. All acts and parts of acts, general or special, inconsistent with the provisions of this act, shall be held inapplicable hereto.

SEC. 4. This act shall take effect from its passage.

Approved November 10, 1898.

No. 165.—AN ACT IN RELATION TO THE VERMONT VALLEY RAILROAD COMPANY OF 1871.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Each owner of capital stock in the Vermont Valley Railroad Company of 1871 shall be entitled to one vote for and on each share of the capital stock of said corporation owned by him in any and all meetings of the stockholders of said corporation.

Approved November 22, 1898.

No. 166.—AN ACT IN AMENDMENT OF NUMBER 204 OF THE ACTS OF 1896, ENTITLED "AN ACT TO INCORPORATE THE WHITE RIVER VALLEY RAILROAD COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 11, of act No. 204 of the acts of 1896, is hereby amended by adding thereto, the following: which bonds shall be a first lien upon the property so mortgaged, against any and all claims specified in section 3803 of the Vermont Statutes, except claims against the corporation for injury sustained on its road, by negligence of said corporation. And the mortgage to secure the same may include the franchise of said company.

Approved November 15, 1898.

No. 167.—AN ACT TO INCORPORATE THE ASCUTNEY MOUNTAIN RAILROAD COMPANY.

Section	Section
1. Corporators; corporate name and power; route.	7. May occupy highway under certain conditions.
2. Capital stock.	8. Limitation respecting construction of road.
3. Commissioners to receive subscriptions.	9. Towns authorized to aid.
4. Preliminary surveys; first meeting and organization.	10. Steam may be used in ascending mountain outside of highway.
5. Directors to locate road; location recorded in county clerk's office; alterations in route.	11. Deemed a public act.
6. Right to contract with other roads, and issue bonds; other powers.	12. Subject to Ch. 170, V. S.; takes effect on passage, subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont:*

[SECTION 1.] Marsh O. Perkins, James H. Kiniry, Joseph C. Enright, George T. Hazen, S. R. Bryant and Frank S. Hale, all of Windsor in the state of Vermont, together with such other persons as hereafter shall become stockholders, are hereby incorporated under the name of the Ascutney Mountain Railroad Company for the purpose of constructing a railroad with single or double track, and with standard or narrow guage commencing at some point in the town of Windsor in Windsor county, Vermont, thence running westerly or south-westerly by the most convenient route through all or any of the following named towns, namely, Windsor and West Windsor, with the right to transport and carry passengers and property on said railroad for hire and with the full power to connect with, sell or lease to, or consolidate with any other railroad company.

SEC. 2. The capital stock of said company shall be fifty thousand dollars divided into shares of one hundred dollars each, which may be increased by vote of the majority of the stock then outstanding to such an amount as may then be required to complete said road and furnish all necessary or convenient buildings, furniture, equipment or appurtenances, or in the exercise of any of the powers herein granted.

SEC. 3. Frank S. Hale, James H. Kiniry and J. C. Enright shall be commissioners to receive subscriptions to the capital stock of said corporation and may subscribe themselves therefor.

SEC. 4. They may cause such preliminary surveys and explorations to be made as they may deem expedient, and the expenses shall be paid by said corporation when organized; and they shall after twenty-five thousand dollars of said stock have been subscribed, proceed to give notice to the stockholders to meet for the election of not less than seven directors of said company as provided by law; and after said company shall be organized, all further subscriptions to the capital stock shall be under the control of the board of directors of said company.



SEC. 5. The first meeting of the company shall be held at such time and place as may be designated by a majority of the incorporators, for the purposes of organization and the election of directors, and at least six days personal notice of such meeting shall be given to each of the incorporators.

SEC. 6. This act shall take effect from its passage, and shall be subject to the control of future legislatures to alter, amend or repeal.

Approved November 28, 1898.

No. 243.—AN ACT TO AMEND NO. 176 OF THE ACTS OF 1880, INCORPORATING THE NEW ENGLAND FIRE INSURANCE COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 5 of said act, is hereby amended to read as follows:

Said company may insure property, both real and personal of any description whatever, against loss or damage by fire or lightning and all hazards of inland navigation or marine disaster, and reinsure, guarantee and make contracts to insure and protect other insurance companies, persons and corporations against liability upon any contract, risks or obligations which it, he or they may have assumed and may issue mutual participating policies under such rules and regulations as the company by its board of directors may adopt, and may re-insure its own risks and liabilities or any part thereof in other companies in its discretion, and the policies and contracts of said company may be made with or without the common seal of said company, shall be signed by the president or vice-president and countersigned by the secretary, assistant secretary or treasurer of said company, provided that the same shall not become obligatory upon said company until the premium therefor has actually been paid to said company in cash, except that any person who shall become insured therein, not having paid such premium in cash, shall, before he receives such policy, deposit his premium note, approved by the directors, for such sum or sums of money as shall be demanded by the directors, a part of which note shall be immediately paid for the purpose of discharging the incidental expenses of the company and the remainder of said

note shall be payable in part or the whole at any time when the directors shall require.

Every person who shall deposit his promissory note for the premium required upon any policy of insurance, shall be and is hereby bound and obliged to pay his portion of all losses and expenses happening or accruing in and to said company during the term of his policy and all buildings insured by and with said company, together with the right, title and interest, of the assured to the land on which they stand, where the premium or any portion thereof is secured to said company by promissory note, shall by virtue of this act be pledged to said company and said company shall have a lien thereon against the assured, during the term of his or their policy with the same force and effect as if said property were mortgaged to said company by an instrument duly acknowledged and recorded on the day of the issuing of such policies.

SEC. 2. This act shall not be operative until the New England Fire Insurance Company has complied with the provisions of section 4174, Vermont Statutes.

SEC. 3. This act shall take effect from its passage.

Approved November 30, 1898.



No. 244.—AN ACT TO INCORPORATE THE STATE  
MUTUAL FIRE INSURANCE COMPANY OF RUT-  
LAND, VERMONT.

- Section
1. Corporators; corporate name; purpose.
  2. Who shall be considered members.
  3. First directors; election of directors thereafter.
  4. Board of directors, duties of; other officers.
  5. Premium notes authorized; company may loan surplus on certain conditions.
  6. Insurance void when property sold or alienated; proviso.
  7. Members to share losses proportionately; lien on property insured.
  8. Notice of loss to be given in writing; amount of loss, how determined; action must be brought within year of loss.
  9. Duties of directors after receiving notice of loss; refusal to pay assessment, provisions concerning.
  10. Proceedings when deposit notes insufficient to pay losses; member may procure discharge from company, how.
  11. Term of insurance; title to insured property.

- Section
12. Losses, when and how to be settled.
  13. Company may write twenty per cent. of their insurance in stock policies.
  14. Alteration in property makes policy void unless confirmed by company.
  15. Directors to give bonds; when to be put in suit.
  16. Double insurance makes policy void unless consented to.
  17. Act unlimited in duration and subject to future legislation.
  18. Number of directors and quorum; vacancies, how filled; special meetings.
  19. Judges, though members, may try company's cases unless adverse party objects.
  20. Jurors not disqualified though members unless adverse party objects.
  21. Sheriffs, though members, not disqualified to serve process in which said company a party.
  22. No policy issued until application amount to \$50,000.
  23. Location of corporation.
  24. Act takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. John A. Mead, Thomas C. Robbins, Leon G. Bagley, E. M. Butler, C. A. Gale, H. O. Edson, Justus R. Hoadley, J. E. Thomson, Henry O. Carpenter and F. M. Butler and all other persons who become members of said company in the manner hereinafter prescribed, are hereby incorporated, made and constituted a body politic and corporate, by and under the name of the State Mutual Fire Insurance Company, for the purpose of insuring all kinds of property against loss or damage from or by fire, lightning, cyclones, or wind storms, and insuring and making contracts of indemnity for loss or damage to plate glass in doors, windows and other places, caused by accident or otherwise, and for the purpose of re-insuring and indemnifying other insurance companies, persons or parties against loss or damage by reason of assuming risks against loss or damage by fire or otherwise, without the fraud or design of the assured.

SEC. 2. All and every person and persons, who shall at any time become interested in said company, by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein as hereinafter provided, shall be considered and taken to be members thereof for and during the terms specified in their respective policies.

no longer, and shall at all times be concluded and bound by the provisions of this act.

SEC. 3. John A. Mead, Thomas C. Robbins, Leon G. Bagley, E. M. Butler, C. A. Gale, H. O. Edson, Justus R. Hoadley, J. E. Thomson, Henry O. Carpenter and F. M. Butler shall be the first directors of said company, and shall continue in office until their successors are elected, and their successors shall hold office for one year and until their successors are elected. Said board of directors shall be elected in each year at an annual meeting to be held at Rutland in the county of Rutland and state of Vermont, in January of each year, at such time and place as the company, by its by-laws shall direct, or the directors appoint. Public notice of such election shall be given by publication in at least one newspaper published at Rutland for three weeks successively, the last of which publications shall be at least twenty days and not more than sixty days prior to such election and such election shall be by ballot and the persons who are members of said company receiving a plurality of all votes cast shall be duly elected.

SEC. 4. The board of directors shall superintend the concerns and business of said company, and shall have the management of the funds and property thereof, and all matters and things thereunto relating, and not otherwise provided for by said company; they shall elect from among their number a president and one or more vice-presidents; and they may, from time to time, appoint a secretary, treasurer, and such other officers, agents and assistants as to them may seem necessary, and prescribe their duties, fix their compensation, take such security from time to time as they deem necessary for the faithful performance of their respective duties, and remove them at pleasure; they shall determine the rates of insurance, the sum to be insured on any building or buildings, or property therein, and the sum to be deposited in advance for the insurance thereof; they shall make such contracts and agreements and policies of insurance as they shall deem expedient and for the best interest of the company; they shall order and direct the providing of books, policies, stationery, and all other things needful for the office of said company and for carrying on the affairs of the company; they may draw on the treasurer for all losses that may have happened, and for all expenses incurred in transacting the business of the company; they may hold their meeting monthly, or oftener, if necessary, for transacting the business of the company; and they shall keep a record of all their proceedings.

SEC. 5. Every person who may become a member of said company by effecting insurance, shall, before receiving a policy, deposit a promissory note for such sum of money as shall be



determined by the directors, and shall pay a sum of money, not exceeding one-third of the amount of said note, to the treasurer of said company; and the said deposit note shall be payable in part or in whole at any time when the directors shall deem the same requisite for the payment of losses by the company, and such incidental expenses as shall have accrued in the transaction of the company's business, during the existence and force of such policy; and at the expiration of the term of insurance, or at the time of canceling said policy, the said note or notes, such part thereof as shall remain unpaid, after deducting all losses and expenses accruing and due on the same, shall be relinquished and given up to the maker or makers thereof; and the company may loan such portion of the moneys on hand as shall not be in immediate want for the purposes of the company, the same to be secured by way of mortgage on unencumbered realty of double the value of the sum so loaned.

SEC. 6. Whenever any building or personal property insured in this company, or the land upon which any such building may be located, shall be alienated by sale, mortgage, or other encumbrance or lien, the policy of insurance thereon shall be void; provided, however, that the alienee or grantee, having the policy assigned in writing, may have the same ratified and confirmed, upon such terms and conditions as the directors of said company shall prescribe, on giving proper security, to the satisfaction of said directors, for such proportion of the deposit or premium note as shall remain unpaid; and by such certification and confirmation, the assignee shall be entitled to all the rights and privileges, and subject to all the liabilities, to which the original party was entitled and subject under this act.

SEC. 7. Every member of said company shall be and hereby is bound and obliged to pay his proportion of all losses and expenses accruing in and to said company during the time such member's policy is in force; and all buildings insured by and with said company, together with the right, title and interest of the assured to the lands on which they stand, shall be pledged to said company; and the said company shall have a lien thereon against the assured during the continuance of his, or her or their policies, and the pledge and lien mentioned in this section, shall extend to the assignees of said insured, and shall be considered the same in law as though the insured gave a direct mortgage to said company to secure the payment of his proportion of all losses and expenses happening or accruing to said company.

SEC. 8. In case of any loss or damage by fire happening to any member upon property insured in and with said company, the said member shall give due notice thereof in writing to the secretary of said company within thirty days from the time such damage or loss shall have happened, and the direc-

tors, upon examination of the same or in such other way as they deem proper, shall ascertain and determine the amount of such loss or damage; and if the party suffering such loss is not satisfied with the determination of the directors, the matter may be submitted to three disinterested and competent persons to arbitrate the same, mutually agreed upon by the parties; or the said party may bring an action against said company for loss or damages, within twelve months from the time of the occurrence of the loss, in the county of Rutland, or in the county where said party may reside, if he resides within this state, or in the county in which the loss or damage happened.

SEC. 9. The directors shall, after receiving notice of any loss or damage, under any policy, sustained by any member, and after ascertaining the same, or after the rendition of any judgment against said company for such loss or damage, settle and determine the sum to be paid by the several members, which shall always be in proportion to the original amount of his deposit note, and publish the same in such manner as they shall see fit, or as the by-laws shall prescribe, which sum shall be paid to the treasurer within thirty days after the publication of said notice; and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon and against him, her or them, as his, her or their proportion of any loss as aforesaid, in such case the directors may sue for, or cause suit to be brought in the name of said company, and recover the whole amount of his, her or their deposit note or notes, with costs of suit, and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses as may have accrued or may thereafter accrue, and the necessary expenses of said company during the continuance of the policy; and the balance, if any there be, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the policy of such party.

SEC. 10. Should it so happen that the whole amount of deposit notes are insufficient to pay the losses, in such case the sufferers insured by said company shall receive, toward making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them insured. Any member upon the payment of the whole of his assessments on his deposit notes, and surrendering his policy before any subsequent loss or expense has accrued may be discharged from said company.

SEC. 11. The said company may make insurance for any term not exceeding ten years; and any policy of insurance issued by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on



said company in all cases where the assured has the title in fee simple, unencumbered, to the building or buildings insured, and to the land covered by the same; but if the insured have a less estate therein, or if the premises be encumbered, the policy shall be void, unless the true title of the assured, and the encumbrances on the premises, be expressed therein or in the application therefor.

SEC. 12. All losses shall be settled by said company within ninety days after notice in writing and proof of loss, signed and sworn to by the assured, shall have been received at the home office of the company, and all losses which shall have been ascertained and adjusted on or before the thirty-first day of December, in any year, shall be paid by said company on or before the first day of July, in the calendar year next following, and the assured shall be entitled to an order for the amount of such loss drawn by the secretary and accepted by the treasurer of said company, on interest after ninety days from the time when such proof of loss as hereinbefore provided shall be received at the home office of said company; but in estimating and adjusting losses no allowance shall be made for any gilding, historical or landscape paintings, stucco or carved work unless the same shall have been separately and specifically mentioned in the policy of insurance.

SEC. 13. Said company may, upon any person or persons applying for insurance in said company, receive from them a certain sum of money in full for such insurance, which said sum shall be in lieu and place of a premium or deposit note, and such person or persons shall not be liable to said company during the continuance of his, her or their policy for any assessment or further payment; provided, however, that the property insured as aforesaid, shall in no case exceed twenty per cent. of the whole amount insured by said company, and it shall be the duty of the directors to keep it within such limit, but no person or persons becoming insured in said company, as provided in this section, shall have any right to vote, by reason of any such policy of insurance, at the meetings of said company.

SEC. 14. Should any alteration be made in any buildings by the proprietor or owner thereof, after insurance has been effected thereon with said company, the insurance made upon such building shall be void unless notice of such alteration is given to said company, and the same confirmed in writing by the secretary of said company, under such terms as the directors shall deem just.

SEC. 15. Each and every director of said company shall, before he enters upon the duties of said office, give bonds to the treasurer of this state in the sum of one thousand dollars, with good and sufficient surety or sureties, to the satisfaction of

said treasurer, conditioned for the faithful discharge of the duties of his office, according to law and agreeably to the provisions of this act; and any person or persons, a member of said company, injured by any director violating the condition of such director's said bond, may bring suit or action on such bond in his, her or their name against such director upon giving such security for costs to the defendant as the court in which the action is brought may direct, and such injured party or parties may recover the damages sustained, but on failure to recover damages the defendant shall be entitled to his costs and an execution therefor against the injured party or parties.

SEC. 16. If any insurance on property, real or personal, shall be and subsist in said company, and in any other company, office, or from and by any other person or persons at the same time, the insurance in and by this said company shall be deemed and become void, unless such other or additional insurance subsists with the consent of the directors, witnessed by the certificate of the secretary of said company, in writing, attached to said policy, or unless the same consent is incorporated in said policy.

SEC. 17. This act shall be unlimited in its duration, and shall be under the direction and control of the legislature to alter, amend, or repeal as the public good and interest of the company may require.

SEC. 18. The board of directors of said company, after the first year, shall consist of a number not exceeding twenty, nor less than nine, any five of whom shall constitute a quorum for the transaction of business and all the vacancies happening in said board may be filled by the board of directors until the next annual meeting.

Special meetings of the company may be called by order of directors, or in such manner as the by-laws of said company shall prescribe.

SEC. 19. The judges of the several courts of this state within their respective jurisdictions, are hereby authorized and required to hear, try and determine all actions and causes that come before them in which the company is a party, notwithstanding they be members of said company, unless the adverse party in such actions or suits object.

SEC. 20. Jurors in all courts in this state shall be required to sit in trial of all actions and suits in which the said company is a party, though they may be members of such company, unless objected to for this cause or reason by either of the parties to the suit.

SEC. 21. Any sheriff, deputy sheriff, or other officer authorized to serve processes within his jurisdiction, may serve or execute any writ or other process to him directed, in which



said company is a party, though he be a member of said company.

SEC. 22. No policies shall be issued until applications for insurance shall have been made to the amount of fifty thousand dollars.

SEC. 23. This insurance company shall be located at the city of Rutland in the county of Rutland, in this state, and shall have its home or principal office in said city.

SEC. 24. This act shall take effect from its passage.

Approved November 29, 1898.

No. 245.—AN ACT TO AMEND THE ARTICLES OF ASSOCIATION OF THE DEERFIELD RIVER COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Deerfield River Company, a corporation organized under the general law by filing articles of association in the office of the secretary of state, originally located at Readsboro in the county of Bennington, shall hereafter be located at Wilmington in the county of Windham, and shall be known and called the Deerfield River Company of Wilmington; provided said corporation shall cause its charter to be recorded, and a certified copy of its certificate of paid up capital stock, and a certified copy of this act to be filed in the town clerk's office of the town of Wilmington.

SEC. 2. This act shall take effect from its passage.

Approved November 22, 1898.

No. 246.—AN ACT IN ADDITION TO ACT NO. 157 OF THE ACTS OF 1886, ENTITLED "AN ACT TO INCORPORATE THE HOWE SCALE COMPANY OF 1886."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 2, of act No. 157, of the acts of 1886, entitled "an act to incorporate the Howe Scale Company of

1886," is hereby amended by adding to said section 2, at the end thereof the following words:

It may contract with others for the manufacture of articles and materials necessary for the carrying on of the business of said corporation, upon such terms as shall be agreed upon by the directors.

SEC. 2. This act shall take effect from its passage.

Approved November 16, 1898.

No. 247.—AN ACT RELATING TO THE MORRISVILLE TANNING COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The provisions of section 3724 of Vermont Statutes shall not apply to the Morrisville Tanning Company, a corporation organized under the general laws of the state of Vermont, and doing business at Morrisville.

SEC. 2. This act shall take effect when accepted by said corporation at a meeting of the stockholders thereof duly called and held for that purpose, by a majority vote of the stock represented and voted at such meeting.

Approved November 30, 1898.

No. 248.—AN ACT ENABLING THE MOUNT LAKE CREAMERY COMPANY TO ISSUE PREFERRED STOCK.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Mount Lake Creamery Company, duly organized under the laws of this state in May, A. D. 1898, and having its place of business at South Londonderry, Vermont, is hereby authorized to issue preferred stock to an amount not exceeding five thousand dollars, in shares of one hundred dollars each, upon the written consent or request of all the parties hold-



hereafter may be assessed thereon is hereby made and declared legal and valid.

SEC. 2. The grand list of the town of Newport for the year 1898 as to all taxes that have been or hereafter may be assessed thereon are hereby made and declared legal and valid.

SEC. 3. This act shall take effect from its passage.  
Approved November 15, 1898.

No. 310.—AN ACT TO LEGALIZE THE GRAND LISTS OF THE TOWN OF NORTHFIELD FOR THE YEARS 1894, 1895 AND 1896.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The grand lists of the town of Northfield for the years 1894, 1895 and 1896 as to all taxes which have been assessed or may hereafter be assessed upon any of said lists are hereby declared legal and valid.

SEC. 2. This act shall take effect from its passage.  
Approved November 30, 1898.

No. 311.—AN ACT TO LEGALIZE THE QUADRENNIAL APPRAISALS OF REAL ESTATE AND THE GRAND LISTS OF THE TOWN OF PEACHAM FOR THE YEARS THEREIN NAMED.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The quadrennial appraisal of real estate of the town of Peacham for the year 1894, as to all taxes that have been or hereafter may be assessed thereon, is hereby made and declared legal and valid.

SEC. 2. The grand lists of the town of Peacham for the years 1894, 1895, 1896, 1897 and 1898 as to all taxes that have been or hereafter may be assessed thereon are hereby made and declared legal and valid.

SEC. 3. This act shall not affect any suits now pending.

SEC. 4. This act shall take effect from its passage.

Approved November 29, 1898.

No. 312.—AN ACT TO LEGALIZE THE REAL ESTATE APPRAISAL OF THE TOWN OF PROCTOR FOR THE YEAR 1894.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The quadrennial appraisal of the real estate of the town of Proctor for the year 1894, and the list thereof as returned and the grand lists based on said appraisal are hereby declared legal and valid.

SEC. 2. This act shall not affect any suits now pending.

SEC. 3. This act shall take effect from its passage.

Approved November 19, 1898.

No. 313.—AN ACT TO LEGALIZE THE QUADRENNIAL APPRAISAL OF THE TOWN OF RICHFORD FOR THE YEAR 1898.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The quadrennial appraisal of the town of Richford for the year 1898 may be completed under the provisions of an act of 1898 of the general assembly, entitled "An act to legalize certain quadrennial appraisals of real estate made in the year 1898," approved November 8th, 1898, and when so completed, is declared to be legal and valid.

SEC. 2. This act shall take effect from its passage.

Approved November 30, 1898.

No. 314.—AN ACT TO LEGALIZE THE QUADRENNIAL APPRAISAL OF REAL ESTATE AND THE GRAND LIST OF THE CITY OF RUTLAND FOR THE YEAR OF 1898.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The quadrennial appraisal of the real estate of the city of Rutland as made out and filed by the assessors of



said city for the year 1898, is hereby declared legal and valid, and the failure of the assessors to lodge said appraisal in the city clerk's office within the time and agreeable to the provisions prescribed by law shall in no manner affect the validity or legality of said appraisal or the grand list founded thereon.

SEC. 2. Any person aggrieved by the appraisal of the assessors may, within twenty days after the passage of this act, appeal to the city council in said city of Rutland by filing notice of said appeal in the office of the city clerk.

SEC. 3. After the expiration of the twenty days mentioned in the second section of this act the city clerk of said city of Rutland upon application of a member of the city council shall call a meeting of said city council in the manner prescribed by law, and said council shall hear all appeals, and their decision shall be final.

SEC. 4. This act shall take effect from its passage.

Approved November 22, 1898.

# No. 315.—AN ACT PROVIDING FOR A QUADRENNIAL APPRAISAL AND LEGALIZING LISTS IN THE CITY OF ST. ALBANS.

- Section
1. New appraisal authorized in city of St. Albans.
  2. Oath.
  - 3-4. Appeal.
  5. Listers to deposit copy of list in city clerk's office before February 1st, 1898.
  6. Said list to have the same force as if made under provisions of Chap. 28, V. S.

- Section
7. Grand lists of 1897 and 1898, and quadrennial appraisal of 1894 legalized.
  8. Appeals taken from quadrennial appraisals of 1898 declared void.
  9. Not to affect pending litigation.
  10. Takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The listers of the city of St. Albans shall during the month of December, 1898, make a new appraisal of the taxable real estate in the city of St. Albans and return the list thereof to the city clerk's office on or before the first Tuesday of January, 1899.

SEC. 2. The oath required by section 391, V. S., may be taken before any officer authorized by the laws of this state to administer oaths.

SEC. 3. A person aggrieved by the appraisal of the listers may, within three days after the day the list is required by section 1 of this act to be returned to the city clerk's office, appeal to the board of civil authority in the city of St. Albans, and

shall give immediate notice to the city clerk and to one of the listers.

SEC. 4. The city clerk shall immediately call a meeting of said board, by posting notices in three public places, giving not less than six nor more than ten days' notice thereof; and said board shall hear all appeals and their decision shall be final.

SEC. 5. On or before the first day of February, 1899, the listers shall make out in a blank book to be provided by the secretary of state, and deposit in the city clerk's office, for the use of their successors in office, a fair copy of the list of real estate in the city of St. Albans, embracing the following particulars:

I. The name of each person assessed for real estate in said city.

II. The real estate assessed to such person, specifying each parcel thereof, the class to which it belongs, the valuation, and the school district in which each parcel is situated.

SEC. 6. Said list shall except as herein provided be made out, certified to, completed and filed as provided by law for the quadrennial appraisal of real estate, and when so completed shall be the quadrennial list of the city of St. Albans and have the same force and effect as if made, certified, sworn to, copied and deposited in the city clerk's office in the year 1898 as provided by chapter 28 of the Vermont Statutes.

SEC. 7. The grand lists of the city of St. Albans, including real and personal estate, as made out, signed, sworn to and deposited in the city clerk's office by the listers of said city for the years of 1897 and 1898, as to all taxes which have been assessed thereon or may hereafter be assessed thereon, and also the quadrennial appraisal of the real estate of the town of St. Albans for the year 1894 as to all taxes which may have been assessed thereon, or may hereafter be assessed thereon are hereby declared legal and valid.

SEC. 8. All appeals heretofore taken from the quadrennial appraisal of 1898 and all decisions made by the board of civil authority thereon are hereby declared null and void.

SEC. 9. This act shall not affect any suits now pending.

SEC. 10. This act shall take effect from its passage.

Approved November 1, 1898.



ceed five per cent., whether said bonds shall be registered or coupon, when said bonds shall mature and when and where interest be paid.

SEC. 5. Said bonds shall be signed by the mayor and countersigned by the treasurer; if interest coupons are attached they shall be signed by the treasurer only and said bonds shall contain on the face thereof a statement of the purpose for which they are issued and the authority conferred by this act, and the same shall be conclusive evidence of the fact and of the liability of said city to a bona fide holder thereof.

SEC. 6. The treasurer of said city shall keep an accurate account of every bond issued, stating the number and denominations, when issued and to whom, when and where payable and the rate of interest; and shall also keep a true record of all payments of interest and principal and if coupons are paid, shall cancel the same.

SEC. 7. The city council shall seasonably assess and cause to be collected, as provided for the collection of other city taxes a tax upon the grand list of said city sufficient to meet the payment of principal and interest of said bonds from time to time as the same shall become due.

SEC. 8. The city council shall have full power to carry into effect this law and shall have authority to control, and shall operate and maintain said plant and all property and rights connected therewith and make such by-laws or ordinances, including the fixing rates, tolls and rentals, as in its judgment is necessary.

SEC. 9. This act shall take effect when accepted by a majority of legal voters of the city of St. Albans, present and voting in a meeting legally warned and holden in whole or in part for that purpose.

Approved May 6, 1898.

#### No. 10.—AN ACT RELATING TO THE RUTLAND FREE LIBRARY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The city of Rutland by its board of aldermen is hereby authorized and empowered to appropriate a sum not exceeding three per cent. of its grand list annually for the support and maintenance of the Rutland Free Library, provided that the inhabitants of said city of Rutland shall at all reasonable and proper times have the free use of said library.

SEC. 2. This act shall take effect from its passage, and all appropriations heretofore voted and payments made to said library are hereby declared legal and valid.

Approved May 6, 1898.

#### No. 11.—AN ACT IN AMENDMENT OF No. 204 OF THE ACTS OF 1896.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The subscribers to the capital stock of the corporation hereby established, and their assigns, are constituted a corporation and body politic by the name of the White River Valley Electric Railroad Company, for the purpose and with the right of constructing, maintaining and operating a railroad in the towns of Bethel, Stockbridge, Pittsfield and Rochester, and of transporting persons and property thereon, for hire; and by that name may sue, and be sued, may have a corporate seal, and have all the rights incident to corporations.

SEC. 2. Any towns in the counties of Windsor, Rutland and Addison may aid in the construction of said railroad as provided in said act.

SEC. 3. This act shall take effect from its passage.

Approved May 6, 1898.



# ACTS AND RESOLVES

PASSED BY THE

## GENERAL ASSEMBLY

OF THE

# STATE OF VERMONT

AT THE

### SIXTEENTH BIENNIAL SESSION, 1900.



PUBLISHED BY AUTHORITY.

BURLINGTON:  
FREE PRESS ASSOCIATION, PRINTERS AND BOOKBINDERS.

1900

**Acts & Resolves 1900**



## CORPORATIONS.

### No. 138.—AN ACT TO AMEND THE CHARTER OF THE ASCUTNEY MOUNTAIN RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 8 of number 167 of the laws of Vermont enacted in 1898 entitled "An act to incorporate the Ascutney Mountain Railroad Company," is hereby amended so as to read as follows:

If said corporation shall not before January 1st, A. D., 1906, commence the construction of said railroad or before January 1st, A. D., 1910, complete or put in operation said railroad, this act shall cease to be operative excepting to the extent of the construction completed or being prosecuted at that time.

Approved November 13, 1900.

### No. 139.—AN ACT RELATING TO CERTAIN BONDS ISSUED BY THE BENNINGTON AND RUTLAND RAILWAY COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Bennington and Rutland Railway Company having issued its bonds dated the first day of March, 1900, to the amount of five hundred thousand dollars, each of said bonds being for the sum of one thousand dollars, being numbered from one to five hundred both inclusive, being payable in twenty years from their dates, with interest at the rate of five per cent. per annum, payable semi-annually with interest coupons thereto attached, all being payable to bearer, and being secured by a mortgage upon the railroad and franchise and real and per-

sonal estate of said railway company, executed to the Continental Trust Company of the city of New York, trustee, and bearing even date with said bonds, and the said railway company having made application for this purpose, the said bonds, coupons, and mortgage are hereby declared to be valid, legal, and binding obligations and contracts according to their respective tenors upon and against the said Bennington and Rutland Railway Company.

SEC. 2. This act is declared to be a public act and shall take effect from its passage.

Approved October 31, 1900.

### No 140.— AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE BRATTLEBORO STREET RAILROAD COMPANY, APPROVED NOVEMBER 3, 1888."

Section	Section
1. May manufacture and sell heat, power and light by any method.	electrical lines.
2. May use streets and highways for	3. May issue bonds.
	4. Act takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Brattleboro Street Railroad Company is hereby empowered and authorized to generate, manufacture, sell, transmit and furnish electric heat, power and light by any method, principle or appliance, and may lease, hold and convey real and personal estate as the business of the corporation may require.

SEC. 2. Said corporation, observing and complying with all lawful ordinances and regulations as to the use of streets and highways, may run electrical lines along, over or under streets, highways, alleys, lanes, avenues and public grounds; provided that public travel shall not be unnecessarily affected or impeded thereby, and such streets, highways, alleys, lanes, avenues and public grounds shall not be injured thereby, but shall be left in as good condition as before.

SEC. 3. Said corporation is hereby authorized to issue its bonds for the payment or refunding of its indebtedness, or for the purchase of, or payment for, its power plant, or the furtherance or accomplishment of any of the purposes for which it is incorporated, at such rate and time, and in such amounts as the



or in the construction of the same, shall for every such offense be fined not exceeding fifty dollars, or imprisoned not exceeding three months, or both.

SEC. 13. Said corporation shall have power to borrow money, and issue its bonds therefor, bearing interest at a rate not exceeding six per cent., and may mortgage its railroad and property to secure the payment of the same, to an amount not exceeding three-fourths of a fair appraised value of the franchise, plant and property of the corporation.

SEC. 14. Said company may operate said road with electric or any other motive power, provided however that steam shall not be employed in the operation of such portions of said railroad as are located within the limits of any street or highway except to cross the same.

SEC. 15. Any town or city through, or into which, said railroad shall pass, may aid in the construction of said railroad to the extent and in the same manner they are now authorized to do under the provisions of chapter 141 of the Vermont Statutes, in the construction of a railroad under the laws of this state.

SEC. 16. The commissioners provided for in section four of this act may cause such preliminary surveys, plans and explorations to be made as they may deem expedient and the expense shall be paid by said company when organized.

SEC. 17. Said company may issue its stock in payment of any property deemed necessary for the business of the company and the stock so issued shall be full paid stock and not liable to further call.

SEC. 18. This act shall take effect from its passage and shall be deemed and taken to be a public act and shall be construed favorably and beneficially for all the purposes for which it is granted; and shall be under the control of any future legislature to alter or amend as the public good may require.

Approved November 16, 1900.

No. 149.—AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO INCORPORATE THE NEWPORT, HARDWICK AND MONTPELIER RAILROAD COMPANY," APPROVED NOVEMBER 16TH, 1900.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 6 of an act entitled, "An act to incorporate the Newport, Hardwick and Montpelier Railroad Com-

pany," approved November 16th, 1900, is hereby amended by inserting after the word "such" in the 27th line of said section the word *undeveloped*.

SEC. 2. This act shall take effect from its passage.

Approved November 27, 1900.

No. 150.—AN ACT IN AMENDMENT OF NUMBER 215 OF THE ACTS OF 1896, ENTITLED "AN ACT TO INCORPORATE THE RICHFORD AND MONTGOMERY ELECTRIC RAILWAY COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 3 of number 215 of the acts of 1896 is amended so as to read as follows:

Said company shall not commence the construction of the said railroad until twenty thousand dollars of its capital stock shall be subscribed and at least twenty-five per cent. of the same shall be paid in, and may continue to construct the same from time to time as the business of the same may require, and if said company shall not within ten years commence the construction of the said road this act shall become void.

Approved November 26, 1900.

No. 151.—AN ACT TO AMEND SECTION 9, NO. 203 OF THE ACTS OF 1896 RELATING TO THE RUTLAND AND MONTPELIER RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 9, No. 203 of the acts of 1896 is hereby amended so as to read as follows:

Section 9. If said company shall not within ten years from the passage of this act commence the construction of their said road, and shall not within fifteen years from the passage of this act finish the same, then this act shall be void.

SEC. 2. This act shall take effect from its passage.

Approved November 26, 1900.



No. 152.—AN ACT CONCERNING THE RUTLAND AND WOODSTOCK RAILROAD COMPANY.

## Section

1. Charter of Rutland and Woodstock Railroad Co. revived.
2. Time of beginning construction and putting road in operation extended.

## Section

3. Legal effect of such extension.
4. Subject to future legislation; takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The act entitled "An Act to incorporate the Rutland and Woodstock Railroad Company," approved Nov. 3, 1865, and all acts in relation thereto or in addition thereto, or in amendment thereto, are hereby revived and re-enacted.

SEC. 2. The said Rutland and Woodstock Railroad Company is hereby allowed the further term of ten years beyond the time authorized by the act entitled, "An act relating to the Rutland and Woodstock Railroad Company," approved August 27, 1891, to commence the construction of said road, and the further term of fifteen years to complete and put in operation said road in the manner mentioned in the second section of said act to incorporate said Rutland and Woodstock Railroad Company, approved November 3, 1865.

SEC. 3. This act shall have the same effect as though the extended times hereby granted were originally inserted in the said act incorporating said railroad company.

SEC. 4. This act shall take effect from its passage and shall be subject to future legislation to alter, amend or repeal.

Approved November 27, 1900.

No. 153.—AN ACT TO CONSOLIDATE THE RUTLAND RAILROAD SYSTEM.

## Section

1. Rutland Railroad Company may consolidate with certain railroad companies.
2. Method of effecting consolidation.
3. Consolidation agreements with ratification to be filed with secretary of state, and consolidation to then become effective; copies made by secretary of state to be usable in evidence.
4. Effect of consolidation upon rights, property, debts, and obligations of companies absorbed.
5. Issue of preferred or guaranteed stock.

## Section

6. Rights of creditors against and liens upon property of consolidated companies preserved; debt of Champlain Construction Company to be guaranteed by Rutland Railroad Company; actions against companies consolidated to be continued to final judgment.
7. Stockholders entitled to one vote for each share of stock.
8. May issue and exchange preferred or guaranteed stock for common stock.
9. Holders of common stock may, after consolidation, recover value of stock in court.
10. Act a public act; inconsistent acts repealed; takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Rutland Railroad Company may merge and consolidate its capital stock, franchises and property with and may acquire the capital stock, franchises and property of any or all of the railroad or transportation companies hereinafter named, upon such terms and conditions as may be agreed upon by the Boards of Directors and ratified by a majority vote of the stock of each of the consolidating companies voting at any meeting duly called for that purpose, to wit:

The Bennington and Rutland Railway Company,  
The Rutland-Canadian Railroad Company,  
The Addison Railroad Company,  
The Ogdensburg and Lake Champlain Railway Company,  
The Rutland and Noyan Railway Company,  
The Rutland Transit Company, and

Any railroad or transportation company within or without this State, except railroads or transportation companies running on parallel or competing lines connecting with, controlled by or which may form a through line with the railroads of any of the companies named.

SEC. 2. For the purpose of effecting such consolidation the Rutland Railroad Company may enter into a joint agreement with any of the other companies named in this act, under the corporate seal of each corporation, for the consolidation and merger of such other corporation into the said Rutland Railroad Company, describing the terms and conditions thereof and mode of carrying the same into effect; the manner of converting the capital stock of such other corporation into that of the said Rutland Railroad Company, with such other details as they shall deem necessary to perfect such merger and consolida-



tion; and the Rutland Railroad Company is authorized to carry out in the making and execution of such agreement any provisions required by the laws of any other state or country under which such corporation or corporations proposed to be merged or consolidated were incorporated; such agreement to be ratified as provided in Section 1 hereof, or as the laws of such other state or country may require or authorize.

SEC. 3. Such agreement or a certified copy thereof, together with a certificate of the secretaries or clerks of the respective corporations, under the seals thereof, that the agreement has been duly ratified by the stockholders of each corporation, shall be filed in the office of the Secretary of State of Vermont, and in the office of the Secretary of State or other similar office, of any other state or country in which any one or more of the said corporations are organized, and in any other office required by the laws of such other state or country and shall from thence be deemed and taken to be the agreement and act of consolidation of such corporations and thereafter such corporations and parties thereto shall be one corporation under the name of the Rutland Railroad Company, but such act of consolidation shall not release said Rutland Railroad Company from the restrictions, liabilities or duties of the several corporations so consolidated into it. The Secretary of State of Vermont is hereby authorized and required to make and certify copies of any agreements of consolidation, together with the proofs and certificates thereof, filed in his office under this act, and such copies, so certified, may be used in evidence in any Court or proceeding or filed or recorded in any office and shall be *prima facie* evidence of the facts stated therein and of the regularity and validity thereof.

SEC. 4. Upon consummation of such act of consolidation, all the general and special rights, powers, privileges, immunities, exemptions, exceptions, capacities, benefits, advantages, grants and franchises, and all of the property, both real, personal and mixed of such consolidating corporations and all the debts due on whatever account to either of them, as well as all stock subscriptions and other things in action belonging to either of them shall be taken and deemed to be transferred to and vested in said Rutland Railroad Company without further act or deed; and all claims, demands, property, rights of way, and every other interest shall be as effectually the property of the Rutland Railroad Company as they were of the other corporations, parties to such agreement and act, and the title to all real estate taken by deed or otherwise under the laws of this state or any other state or country or of the United States vested in either of such corporations, parties to said agreement and act,

shall not be deemed to revert or be in any way impaired by reason of this act or anything done by virtue hereof; but shall be vested in said Rutland Railroad Company by virtue of such act of consolidation.

The said Rutland Railroad Company shall have and enjoy in the ownership and operation thereof, all general and special rights, powers, privileges, immunities, exemptions, exceptions, capacities, benefits, advantages, grants and franchises which were owned and enjoyed by its predecessor companies or corporations under their charters and by the corporations consolidating with it, and no further deed, conveyance or record shall be required for the purpose of effecting such merger, consolidation, transfer and conveyance.

SEC. 5. The Rutland Railroad Company is hereby authorized from time to time to issue preferred or guaranteed stock to an amount equal to the sum of the capital stock of said corporations consolidating with it: said preferred or guaranteed stock shall be subject to the same conditions and shall have and enjoy the same rights, privileges, benefits and exemptions without priority of one share over the other, that the preferred or guaranteed stock of the said Rutland Railroad Company, now issued and outstanding, has and enjoys; said Rutland Railroad Company may exchange said preferred or guaranteed stock, issued as above, at par or in such other manner as its Board of Directors may determine in payment for the stock and property of said corporations consolidating with it. Said preferred or guaranteed stock, issued as herein provided, shall be deemed and treated to be full paid stock, and in case any of the stock of the other corporations so consolidating into the Rutland Railroad Company shall at the time of such consolidation be owned by the said Rutland Railroad Company, the Rutland Railroad Company may issue its preferred or guaranteed stock in exchange for said stock so owned by it and may hold said preferred or guaranteed stock, as full paid stock, with all rights and privileges which other stockholders have, and said stock shall not be merged or extinguished. Said Rutland Railroad Company may, at any time, issue, sell, pledge, transfer, negotiate, or otherwise dispose of the same, in such manner as may be determined by its Board of Directors. The Board of Directors of said Rutland Railroad Company may at the time of such exchange or at any time thereafter, cause said preferred or guaranteed stock to be transferred to a trustee, upon such conditions as they determine, and said trustee shall hold the same for the benefit of said Rutland Railroad Company, with all the rights, privileges, immunities and exceptions which the other holders of said stock may have and enjoy. Provided, however, that the total amount of the capital stock of said Rutland Railroad Company shall not



exceed the amount of its present capital stock together with the capital stock of the corporations so consolidating with it at the par value thereof; and provided further, that no stockholder of the Rutland Railroad Company shall be required to exchange his certificate of stock for new certificates of said company upon account of such consolidation.

SEC. 6. It is further enacted that the rights of all creditors of and all liens upon the property of each of said corporations so consolidating shall be preserved unimpaired and the respective corporations shall be deemed to continue in existence to preserve the same, and all debts and liabilities incurred by each of said corporations shall forthwith attach to said Rutland Railroad Company and be enforced against it and its property to the same extent as if incurred or contracted by it. Said Rutland Railroad Company shall assume all the liabilities and perform all the duties, and other things required to be performed by any of said consolidating corporations, by the terms of the mortgages upon their respective properties. It is further provided that any debt or debts incurred or owing by the Champlain Construction Company in connection with the construction of the road of the Rutland-Canadian Railroad Company shall be guaranteed by the Rutland Railroad Company, and the acceptance of the provisions of this act shall constitute such guaranty. No actions or proceedings in which any of said corporations is a party shall abate or be discontinued by such agreement or act of consolidation but may be conducted to final judgment in the names of such corporations or the said Rutland Railroad Company may by order of the court on motion be substituted as a party.

SEC. 7. At any meeting of the stockholders herein provided to be held and at all future meetings of the stockholders of the Rutland Railroad Company after said consolidation with any of said corporations, each stockholder shall be entitled to one vote for each share of stock owned by him.

SEC. 8. It is hereby enacted that said Rutland Railroad Company may further issue its preferred or guaranteed stock and may exchange the same for its common stock now issued and outstanding on such terms as may be agreed upon between the holders of said common stock and its board of directors, and said common stock so received shall be cancelled and not be re-issued. Said preferred or guaranteed stock so issued in exchange for such common stock shall be subject to the same conditions and have and enjoy the same rights, privileges, benefits, and exemptions, without priority of one share over the other, that the preferred or guaranteed stock of the Rutland Railroad Company and the preferred or guaranteed stock herein before in this act provided to be issued, may have and enjoy.

SEC. 9. It is further enacted that any person holding common stock of the Rutland Railroad Company may within sixty days after the vote authorizing such consolidation and merger, petition the Supreme Court for the appointment of three disinterested appraisers to appraise his stock. Such stockholder shall at the time of the filing of said petition deposit with the clerk of said court the certificates of his stock, with a blank power of assignment, and such certificate shall not be surrendered to said petitioner unless said company fails to make payment in the manner the court may determine as hereinafter provided. Such petition with a citation thereto attached signed by any judge of the supreme court shall be served upon the Rutland Railroad Company at least twelve days before the term of the supreme court to which the same is returnable. The said court shall appoint three appraisers who shall appraise the cash value of the stock and make their report to a designated term of said court, which shall confirm said award unless good reason is shown to the contrary. Upon confirmation of the award the company shall pay the amount thereof within the time fixed by the court, to the owner of said stock, and shall be entitled to a surrender or transfer of the stock in respect to which said award is made, and said court shall have equity powers in the premises. Said proceedings shall not be discontinued after the filing of said petition except by agreement of both parties.

SEC. 10. This act shall be read and construed as an act in amendment of and in addition to an act entitled "An act to Incorporate the Rutland Railroad Company," approved March 28, 1867, and all acts heretofore passed in amendment thereof. All acts and parts of acts, general or special, inconsistent with the provisions of this act shall not be held applicable to the Rutland Railroad Company.

This act shall take effect from its passage and shall be deemed and taken to be a public act and shall be construed favorably and beneficially for all purposes for which the same is intended.

Approved October 29, 1900.



No. 154.—AN ACT RELATING TO THE RUTLAND TRANSIT COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Rutland Transit Company having organized by articles of association dated December 14th, 1899, filed in the office of the secretary of state and being a corporation duly existing under the laws of the State of Vermont and having made, executed and delivered, on the first day of January 1900, to the Old Colony Trust Company, trustee, a mortgage upon all of its franchises and property, both real, personal and mixed including all of its steamboats, dock and terminal properties, for the purpose of securing its first mortgage gold bonds to the amount of six hundred and sixty-six thousand dollars, and having provided in said mortgage that in case the legislature of said state should thereafter authorize it to do so, it would increase the amount of bonds issued under and secured by said mortgage to the sum of one million dollars par value, all of said bonds to be, equally and without priority of one over the other, secured by and under the terms of said mortgage, to be dated the first day of January, 1900, to be for the sum of one thousand dollars each, to be numbered from one to one thousand both inclusive, to be payable to bearer twenty years from their date with interest at the rate of five per cent. per annum, payable semi-annually, with interest coupons thereto attached, and said Rutland Transit Company having made application for this purpose, said bonds, coupons and mortgage are hereby declared valid, legal and binding obligations and contracts according to their respective tenors upon and against the said Rutland Transit Company.

It is hereby further enacted that said Rutland Transit Company may issue and negotiate said bonds to the total amount of one million dollars without personal liability on the part of its officers or agents and said company may hereafter contract debts or obligations to such an amount as its board of directors may judge necessary, although the same exceed in amount two-thirds of its capital stock actually paid in and no director or other officer of said company shall in any way be held personally liable on account of such debts or obligations.

SEC. 2. All acts and parts of acts, general or special, inconsistent with the provisions of this act shall not be held applicable to said Rutland Transit Company. This act shall take effect from its passage and shall be deemed and taken to be a public act and shall be construed favorably and beneficially for all purposes for which the same is intended.

Approved November 23, 1900.

No. 155.—AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT TO INCORPORATE THE ST. JOHNSBURY STREET RAILWAY COMPANY" APPROVED NOVEMBER 12th, 1892.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section five of the said Act No. 141 of the Session Laws of 1892 entitled an act to incorporate the St. Johnsbury Street Railway Company, approved November 12th, 1892, is hereby amended by adding, after words "said road," in the fifth line of said section, and complete the same by April 1st, 1902.

SEC. 2. This act shall take effect from its passage.  
Approved November 27, 1900.

No. 156.—AN ACT TO AMEND ACT NO. 140, ACTS OF 1892, INCORPORATING THE ST. ALBANS STREET RAILWAY COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section No. 1 of No. 140 Acts of 1892, entitled "An act to incorporate the St. Albans Street Railway Company," as amended by Sec. 1 of No. 178 Acts of 1898, entitled "An act in amendment of No. 140 Acts of 1892 incorporating the St. Albans Street Railway Company," is hereby amended by striking out the word "property" in the eleventh line of said section, and inserting in lieu thereof the words "baggage, freight, express and mail matter."

SEC. 2. Section 2 of said Act No. 178 Acts of 1898 is hereby amended by striking out of said section all after the word "passengers" in the tenth line of said section, and inserting in lieu thereof the words "baggage, freight, express and mail matter; and shall also have the right to acquire by purchase, or lease, lands and buildings for the purpose of establishing and maintaining pleasure resorts and places of proper amusement."

SEC. 3. This act shall take effect from its passage.  
Approved November 2, 1900.



treasurer of the town and village of Montpelier, or due from any person or persons to either the town or village, shall be turned over to the treasurer of said city.

All the outstanding bonds and indebtedness of said town and village shall be paid by said city, and the same are hereby confirmed as valid debts against and binding upon said city.

All claims and rights of action of every nature existing against either said town or village are hereby made claims and rights of action against said city, and actions may be maintained thereon against said city in the same manner and to the same extent that the same might be maintained against either said town or village.

All rights, privileges and franchises heretofore granted to the village of Montpelier by any act in the legislature or existing under any law, or by virtue of any contract relating to the water works formerly possessed by said village, are hereby confirmed under the city of Montpelier.

SEC. 125. This act shall not affect a penalty or forfeiture incurred under any acts amended by this act, nor any suit or proceeding had or commenced in a civil or criminal cause before this act takes effect, but the proceedings therein shall when necessary conform to the provisions of this act, nor any ordinance, resolution or by-law lawfully enacted, ordained and established under the provisions of said acts, and not inconsistent with the provisions of this act, but the same shall be and remain in full force and effect until the same shall be repealed, altered or amended as herein provided. And the mayor and aldermen of said city, and all city officials holding office therein under and by virtue of the general laws of this state or the acts or parts of acts hereby amended shall hold office till the expiration of their current terms of office unless such office shall sooner become vacant under the provisions of the general laws of this state or the provisions of said acts or this act.

SEC. 126. The provisions of this act so far as they are the same as those of acts hereby amended shall be construed as a continuation of such acts and not as new enactments.

SEC. 127. This act shall be a public act and may be altered, amended or repealed by the General Assembly whenever the public good shall require.

SEC. 128. This act shall be designated as the Charter of the City of Montpelier and shall take effect from its passage.

Approved November 17, 1900.

No. 163.—AN ACT TO AMEND AN ACT ENTITLED  
"AN ACT TO INCORPORATE THE CITY OF RUTLAND, APPROVED NOVEMBER 19, 1892."

Section

1. Election of aldermen and city officers.
2. Powers and duties of mayor.
3. Appointment and removal by city council of certain city officers; certain officers to furnish bonds.
4. Mayor to make nominations for appointments.
5. Appointment and term of office of assessors and their clerk; compensation; appeals from decision of assessors.
6. Powers and duties of city treasurer and city attorney.
7. Powers and duties of city constable and police officers.
8. Powers and duties of superintendent of streets and street commissioners.
9. Powers and duties of overseer of the poor and cemetery commissioners; establishment or enlargement of burial grounds; auditors; superintendent of city water works; city engineer.
10. City judge, city clerk and city court.
11. Ward officers.
12. Vacancy in office of mayor.

Section

13. Qualification of voters; preparation of check list.
14. Term of office of elective officers; annual city elections; inspectors of election.
15. Section 21 of charter amended.
16. Veto power of mayor; aldermen to have personal notice of special meetings.
17. Power of city council in making ordinances and by-laws.
18. Payment of moneys out of city treasury; fiscal year; city contracts.
19. Section 31 of city charter amended.
20. Assessment and collection of taxes; powers given to the village of Rutland continued to the city.
21. Statutes relating to towns or town officers applicable to the city of Rutland and its officers.
22. Water supply for city.
23. Section 37 of city charter repealed and subsequent sections renumbered.
24. Act takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 3 of act number 110 of the acts of the General Assembly, for the year 1892, entitled An act to incorporate the City of Rutland, is hereby amended so as to read as follows:

Section 3. The legal voters of each ward shall, at the first election held under this act, elect one alderman and the ward officers hereafter named from among the legal voters of said ward. And the aldermen so elected from wards 1, 3, 5, 7, 9 and 11, shall be elected for two years respectively, and the aldermen elected from wards 2, 4, 6, 8 and 10 shall be elected for one year respectively. After the first election the term of office for an alderman shall be two years.

The legal voters of each ward shall, at each annual election, vote for a mayor, city treasurer and city constable.

SEC. 2. Section 5 of said act is hereby amended so as to read as follows:

Section 5. The mayor shall be the chief executive officer of the city; he shall use his best efforts to see that the laws and the city ordinances are enforced, and that the duties of all subordinate officers are faithfully performed; he shall take care that the finances of the city are properly expended, and shall bring before the board of aldermen whatever he may deem worthy of their attention, for prudentially and efficiently carrying on the affairs



of the city. He shall receive such annual compensation as shall be voted by the board of aldermen; in his absence, or temporary disability, the president of the board of aldermen shall act as mayor in his stead. The mayor shall have power to administer oaths in all cases proper for the administration of an oath before the city council sitting as a board of civil authority and before the board for the abatement of taxes, and official oaths to the several officers of said city, when such oaths are required by law, and the president of the board of aldermen shall have like power, in all cases proper for the administration of an oath before the board of aldermen. The mayor with the consent of the board of aldermen shall have power to remit fines and costs in whole or in part in cases where the same are payable into the city treasury, and shall cause the reason for such remissions to be entered on the city records.

SEC. 3. Section six of said act is hereby amended so as to read as follows:

Section 6. The city council shall appoint a city attorney, a city clerk, who shall be *ex officio* clerk of the board of aldermen and of the city council; a superintendent of streets, a superintendent of the city water works, a city engineer, an overseer of the poor, three auditors, a board of health to consist of three persons, a chief of police and such number of police officers as are deemed necessary. The city council may also appoint such other subordinate officers as may be elected or appointed by towns. The compensation of all officers shall be fixed by the city council, except as herein otherwise provided. All such officers shall be annually appointed in March, after the annual city election of mayor and aldermen, and shall hold their offices respectively for one year from and after the first day of April in said year and until their successors shall be appointed and qualified.

In case of vacancy in any of said offices, occasioned by death, removal from the city, resignation or inability to serve, such vacancies shall be filled by the city council for the unexpired term of such offices. The treasurer, constable, superintendent of streets, superintendent of the city water works shall annually give bonds to the city to the satisfaction of the city council for the faithful discharge of their respective duties, and any other city officer may be required by the council to give similar bonds, and in case of neglect of any officer to give bonds as above specified, and after ten days' notice that he is required to do so, his office may be declared vacant by the city council, and such vacancy shall be filled as hereinbefore provided. The city council shall have power for causes of incapacity, negligence or bad conduct, to suspend or remove from office any city

officer who may be elected or appointed by the city council and fill the vacancies thereby created.

SEC. 4. Section seven of said act is hereby amended so as to read as follows:

Section 7. In all cases in which appointments are to be made by the city council, the mayor shall have the exclusive power of nomination, which nomination shall be subject however, to confirmation or rejection by the board of aldermen. If a person so nominated shall be rejected, the mayor shall nominate another person for such office within one month from the time of such rejection, and in case he fails to do so within said period, the board of aldermen may proceed to make such appointment, which appointment shall be valid without the approval of the mayor.

SEC. 5. Section eight of said act is hereby amended so as to read as follows:

Section 8. There shall be a board of assessors of said city which shall consist of three persons. The city council shall in the month of March appoint one member of said board who shall be a legal voter in said city, and shall hold his office for three years from the first day of April in said year of his appointment and until his successor shall be appointed and qualified. The board of assessors shall exercise the powers and be subject to the duties and liabilities of listers in towns. Any vacancy occurring in said board of assessors may be filled by the city council at any time and the member so appointed shall hold office only for the unexpired term of the member who has ceased to hold office. The assessors may appoint a clerk whose compensation and the compensation of the assessors shall be fixed by the city council. Appeals may be taken from the decision of the board of assessors to the city council sitting as a board of civil authority, in all cases where appeals are allowed from the decision of listers to the selectmen of towns, or to the board of civil authority. The city council may hear said appeals and shall have all the powers of selectmen or boards of civil authority in such cases.

SEC. 6. Section ten of said act is hereby amended to read as follows:

Section 10. The city treasurer shall have the same powers and be subject to the same liabilities as are prescribed by law for town treasurers.

The city attorney shall prosecute and defend, in behalf of the city, all suits in which the city is interested, and is authorized to file informations and complaints in criminal causes in the city court, and prosecute the same to final judgment and execution.

SEC. 7. Section eleven of said act is hereby amended so as to read as follows:



Section 11. The city constable shall have the same powers and be under the same duties and liabilities as are prescribed by law for constables of towns, and the said constable, and all police officers, shall have the same powers as sheriffs in suppressing riots and all unlawful assemblages, and of arresting without warrant all persons disturbing the peace, and shall bring them before the city court forthwith, or detain them in the county or city jail until said court can be held; and said court may proceed summarily to hear and determine all such cases. And said court shall have exclusive jurisdiction of all offenses when arrests are made by said city constable or by any police officer of said city, with or without warrant.

All police officers shall have authority to serve, anywhere within the state, and return process in criminal causes, returnable to the city court, and for such duties there shall be taken and allowed the fees provided by law for a sheriff for similar services.

SEC. 8. Section twelve of said act is hereby amended so as to read as follows:

Section 12. The superintendent of streets, subject to the orders and ordinances of the city council, shall have the immediate care and supervision of the streets and public sewers of the city. He shall be under the direction and control of the standing committee of the board of aldermen on streets and highways, which said standing committee shall consist of three members of such board, to be appointed by the board of aldermen annually, in the month of March, and who shall hold their office one year from the first day of April and until their successors shall be chosen and qualified, and said members of such standing committee shall constitute the board of street commissioners, and it shall be the duty of said board of street commissioners to see that all streets and highways laid out and established in said city, are properly constructed, and when, in their judgment the public good requires, shall cause such streets and highways to be worked and graded the entire width thereof, and made in such a manner as they shall judge will best accommodate the public. The street commissioners so appointed, shall have the same power to lay out, alter and discontinue streets and highways as is vested by law in selectmen of towns; and all proceedings in respect to laying out, altering or discontinuing highways in said city shall be had in the same manner as is prescribed by law in respect to such matters in towns, and the street commissioners shall, in said city, act in the place of selectmen; and from all their acts or omissions, or refusals to act in such respect, appeals may be taken to the county court in the same manner, and conducted with the same proceedings as is provided by law for appeals from the decision of selectmen. Such appeals may be taken in behalf of the petitioners, the city,

or any land owner whose property is taken or injured by the laying, altering or discontinuing of said highway. The street commissioners are authorized, subject to the orders and ordinances of the city council, to establish, construct and maintain public sewers in the city, along and through the highways and streets of the city; and they are also authorized and empowered to establish, construct and maintain sewers, in and through the lands of individuals and corporations, on making compensation for lands taken therefor, in the same manner as is prescribed by law in the laying out and establishing of highways. And the same proceedings shall be had and the same right of appeal shall exist as in case of laying out and establishing highways.

SEC. 9. Section thirteen of said act is hereby amended so as to read as follows:

Section 13. The overseer of the poor shall have the same powers and duties as devolve by law upon such officers in towns except that he shall not have power to draw orders on the city treasurer, but shall be supplied with money for the purposes of his office by warrant drawn on said treasurer, in pursuance of an appropriation by the city council, in the same manner as other warrants on that officer.

There shall be three cemetery commissioners who shall have the management and control of the public cemeteries of the city, as is provided by the general laws of the state respecting cemetery commissioners, subject to the orders and ordinances of the city council. The cemetery commissioners shall hold office for the term of three years from the first day of April next following the year of their appointment and one shall be appointed annually at the annual appointment of city officers by the board of aldermen.

The board of street commissioners shall have the same powers and shall proceed in the same manner in respect to the establishment or enlargement of public burial grounds within said city, as is conferred by the general laws of the state upon selectmen, subject to the same right of appeal from their decision.

The auditors shall annually audit the accounts of the city treasurer, board of school commissioners, overseer of the poor, superintendent of streets, and superintendent of the city water works, city liquor agent, city attorney, and any other accounts which the mayor or board of aldermen shall submit to them for audit, and shall report thereon to the mayor or board of aldermen.

The superintendent of the city water works shall have the care and management of the city water works, and shall at all times be subject in respect thereto, to the orders of the city council.



The city engineer shall make all public surveys of the streets and public grounds of the city, and shall perform such other services as may be required by the city council.

The board of health shall consist of the health officer appointed by the state board of health and the three persons appointed by the city council as aforesaid, and said board shall be organized as provided by law, and shall perform all the duties and have the authority of local boards of health provided by the laws of this state for the government of local boards of health, and the written orders of the health officer shall be enforced, and a refusal or neglect to comply therewith shall be punished as provided by law. The board of health shall make report of its doings to the mayor in the month of January in each year.

SEC. 10. Section fifteen of said act is hereby amended so as to read as follows:

Section 15. The governor shall biennially in the month of November, appoint a city judge, and shall commission him as city judge for two years from and after the 1st day of April next succeeding his appointment, and shall fill all vacancies in the said office occasioned by death, resignation, removal from the city or permanent inability to serve on the part of said judge, for the unexpired term of said office. The city judge shall appoint a clerk of the city court and may remove him at pleasure. The clerk of said court shall be entitled to receive the sum of 50 cents for recording each case in said court, and the same fees for copies of records as are allowed by law to clerks of the county court, and such additional compensation as may be allowed him by the city judge out of his salary. The city court shall be open at all times, and shall be held by the city judge. The city judge shall be appointed from among the freemen of said city, and the board of aldermen shall annually appoint from among the justices of the peace in said city an assistant city judge. In case of absence from the city, disqualification or inability to serve on the part of the city judge, the assistant city judge shall act as judge in his stead.

The city court shall have jurisdiction of all actions of a civil nature, including replevin and trespass on the free hold, where the debt, damage or value of the goods and chattels replevined or other matters in demand, does not exceed \$500, provided that the provisions of the statutes of this state in regard to the town in which writs in the court of a justice of the peace shall be made returnable shall apply to said city court. The city court may try and determine all prosecutions for such criminal offenses committed within the county of Rutland, which may be prosecuted by complaint or information, except offenses within

the jurisdiction of a justice of the peace to try and determine, which are committed without said city, by a respondent residing without said city. The city court is empowered to cause to be apprehended and committed to prison, or bound over with sufficient sureties for trial by the county court, all persons charged with crimes committed in said county, exceeding its jurisdiction to try. The city court shall have exclusive original jurisdiction of all complaints and prosecutions for violations of city ordinances and by-laws. And in pronouncing sentence the city court shall, in all cases where the same is applicable, including the sentence in prosecutions for violation of the city ordinances, include the alternative sentence provided for in section 5206 of the Vermont Statutes.

In all criminal cases before said court, there shall be the same right of appeal to the county court as is secured by law in criminal cases before a justice of the peace, and such appeal shall be taken in the same manner, and under the same regulations as in criminal causes before a justice of the peace. From the judgment of the city court in all civil cases an appeal may be taken to the county court under the same regulations and restrictions as are provided for an appeal from a judgment of a justice of the peace in civil actions.

In all prosecutions for criminal offenses within the jurisdiction of the city court to try and determine, and in all civil cases before said court, exceptions to the decisions of said court, upon questions of law, may be taken to the supreme court in the same manner and under the same regulations as provided by law for exceptions from the county court to the supreme court in criminal and civil cases, respectively. But no such exceptions shall be allowed when an appeal is taken to the county court.

The provisions of sections 1895, 1896, 1897, 1898, and 1899, of the Vermont Statutes shall apply to said city court, where petition is brought by any person confined in jail in Rutland county, and said city court shall have all the power and authority given the supreme court by said sections.

The city judge shall receive a salary of \$300 per annum, to be paid by the state treasurer, and in addition shall be entitled to the fees taxed for him as costs in the city court, according to law, subject to the provisions of section 5335 of the Vermont Statutes, said court shall also receive a fee of \$1.50 in full of all fees, in naturalization cases, to be paid by the person naturalized, and such naturalization shall be in accordance with the statutes of the United States and of this state. In all cases, both civil and criminal, before the city court, the city judge, and parties shall be entitled to tax and receive double the costs



allowed by law to justices of the peace, and parties respectively, in suits or prosecutions before justices of the peace.

*Comm. Pros. by Attorney*  
The city judge shall also be entitled to tax and receive the sum of \$1 for each bill of exceptions allowed and signed by him. Criminal prosecutions before said court may be brought by the state's attorney, city attorney and any grand juror in said county; but all prosecutions for a breach of any city ordinance shall be brought solely by the city attorney; but in the absence of the city attorney from the city, from or by reason of his inability to serve, prosecutions for breach of city ordinances may be brought by a city grand juror, in the city court, and the city attorney shall in all cases be subject to all and the same penalties and liabilities for any neglect or violation of official duty as are or shall be imposed by law upon state's attorneys for similar offenses.

*County Court*  
In all criminal proceedings in said court, the prosecuting officer shall be entitled to tax and receive the same fees provided by law for town grand jurors.

*County Court*  
In trials by jury it shall be the duty of the city judge to instruct the jury on questions of law and that there shall be no trial by jury in said court except in civil actions, and writs of mesne and final process, warrants, and mittimus returnable to said court may be signed either by city judge or clerk of said court.

*County Court*  
Whenever a city judge shall be unable to attend at the time appointed for the trial of any cause, the clerk of the court shall continue the same for a period not exceeding three months. And when any judgment shall have been rendered by said court in any action upon default, and the defendant of any trustee therein shall have been unjustly deprived of his day in court by fraud, accident or mistake, or such defendant shall have been unjustly deprived of a hearing in the assessment of damages in any action, or when a party of trustees shall have been prevented from entering an appeal from the judgment of said court by fraud, accident or mistake the city court may, on the petition of the person aggrieved in its discretion and on such terms and conditions as such court shall judge reasonable, revise and set aside such judgment and proceed to hear, try and determine such action and make all necessary orders therein in the same manner as if no judgment had been rendered; and shall be entitled to the same fees as on trial.

*Petition*  
No petition shall be sustained under the foregoing provisions unless brought within six months next after the rendition of said judgment and when brought the same verified by oath with a citation annexed thereto, signed by the city judge, shall be served upon the adverse party at least six days and not more

than thirty days before the time appointed in such citations for trial.

The city judge, on signing such citation, shall take sufficient surety by way of recognizance to the adverse party which shall be minuted on such citation conditioned that if the petitioner shall fail to prosecute his petition to effect or finally recover in such action he will pay to the adverse party all intervening damages and costs that shall have been accrued to him by reason of such petition being preferred.

The city judge, from a consideration of the facts set forth in such petition and verified as aforesaid, may, in his discretion, order a stay of proceedings on such judgment whether execution shall have issued not until a final decision shall be made on such petition.

*County Court*  
And the city court shall have the same power over its judgments, records and proceedings as is now vested in the county court by statute or common law, and may exercise in connection therewith all the powers of courts of record at common law, and all proceedings, pleadings and practice of said city court shall conform to the proceedings, pleadings and practice in the county court so far as applicable thereto.

The clerk of said court shall be the recording officer thereof, and shall furnish to any person, on demand and tender of the legal fees, certified copies of any of the records, proceedings or minutes of such court, under the seal thereof.

From and after the first day of April, A. D. 1893, the municipal court for the village of Rutland is and shall be abolished, and all writs, complaints, petitions and proceedings then pending therein are hereby directed to be transferred into the city court hereby constituted, and said city court is hereby given full jurisdiction and authority to hear, try and determine said causes and matters so removed and transferred to it from the said municipal court that it would have to try and determine the same matters and causes if originally brought in said city court after its organization under this act.

The judge and clerk of said municipal court are hereby directed to pass over to the judge and clerk of said city court all files, records, books, property, papers and stationery of said municipal court immediately after the organization of said city court, as well as actions, suits and proceedings heretofore determined in said municipal court, as in pending matters, and the judge and clerk of said city court shall have all the power and jurisdiction of the judge and clerk of said municipal court to issue final process on judgments rendered by said municipal court in all criminal and civil cases, and the records of said municipal court, when certified by the judge or clerk of the city



court, under its seal, shall be received in evidence in all courts, and have the same effect they would have if certified by the clerk of said municipal court during his term of office.

SEC. 11. Section sixteen of the said act is hereby amended so as to read as follows:

Section 16. The ward officers shall be a clerk, and a first, second and third inspector of election, one of said inspectors to be taken from that minority party casting the largest vote at the election next preceeding, who shall be chosen by the legal voters of each ward at the annual city election; also any other officers required by the laws of this state for each polling place at an election. They shall be sworn to the faithful discharge of their respective duties, and shall hold their offices until their successors are chosen and qualified. They shall be paid such compensation as shall be voted them by the city council. In case there is no representative of the minority party herein provided for on the board of inspectors of elections of any ward, the mayor shall, before any election is held in such ward, declare a vacancy in the third inspector's place in such ward and shall proceed to fill such vacancy from that minority party of such ward herein referred to. In case of a vacancy in any ward office occasioned by death, removal from the city, resignation or inability to serve, the same shall be filled by the mayor. All elections shall be conducted as near as may be under existing statutes governing elections in towns; the place for holding an election in each ward shall be a polling place.

SEC. 12. Section seventeen of said act is hereby amended to read as follows:

Section 17. In case of a vacancy in the office of mayor, occasioned by death, resignation, removal from the city or permanent inability to serve, the president of the board of aldermen shall become mayor for the remainder of the mayor's official term. When said president of the board of aldermen becomes mayor his office as alderman shall become vacant, and in case of any vacancy in the board of aldermen from any of the above mentioned causes, or by reason of his removal from the ward for which he was elected, the same shall be filled until the next annual city election by appointment by the board of aldermen, and at such annual city election such vacancy, if any, shall be filled by an election in the proper ward.

SEC. 13. Section eighteen of said act is hereby amended so as to read as follows:

Section 18. Male citizens of this state of the age of 21 years and upwards, whose list shall have been taken for purposes of taxation in this city, at the annual assessment next preceding any election of city officers therein, or who are ex-

empt from taxation for any cause, and who shall have resided in said city for one year next preceding any such city election, shall be legal voters at such city election, and no other person shall be allowed to vote at any such election. Every such voter shall vote only in the ward of which he is an inhabitant, and he shall not vote in any ward in which he has not resided for 30 days preceding any such election. It shall be the duty of the assessors, in preparing the annual lists of the inhabitants of the city, to designate the number of the ward of which each person listed is an inhabitant. It shall be the duty of the board of aldermen to prepare full and complete check lists in the respective wards of said city, of legal voters thereof. One copy of such lists shall be posted in some public place in the respective wards to which the voters whose names are on such list belong, and one copy in the office of the city clerk, at least 20 days previous to such election, by or under the direction of the city clerk. The board of aldermen shall meet to make additions, alterations and corrections to said list, in the manner provided by this section, but no name shall be added except upon the personal or written application of the voter made to the board of aldermen. The names stricken from said list shall be posted in the city clerk's office, but no name shall be stricken from the lists on the last day of the meeting to make additions, alterations and corrections, and no meeting of said board of aldermen for the correction of such lists shall be held later than five days previous to the day of any such annual or special city or ward election. After the completion of the check lists of voters, as aforesaid, a true copy of the same shall be made by the city clerk and delivered to the inspectors of election in the several wards, for use at such annual or special city or ward elections, and no person whose name is not on such list shall be allowed to vote at any city or ward election. The penalties for illegal voting at any city or ward election are hereby prescribed as provided for by law for illegal voting at freeman's meetings. And whenever any check list of voters shall be posted in said city a notice shall be written or printed thereon, signed by either the mayor or the city clerk, setting forth the time and place that the board of aldermen will meet to make additions, alterations or corrections of said list, which time and place shall be previously determined by the board of aldermen. It shall be the duty of the city clerk to cause the original of each and every check list of voters at any time ordered to be posted by the board of aldermen of said city, to be filed in his office with his certificate thereto attached, that true copies of such list have been posted as directed by the board of aldermen, to-



gether with the time and place in said city where the same were posted, which certificate shall be *prima facie* evidence of the fact.

SEC. 14. Section nineteen of said act is hereby amended so as to read as follows :

Section 19. The mayor, treasurer, constable and the aldermen to be elected in each ward in that year, and ward officers shall be elected annually on the first Tuesday of March ; and they shall hold their offices for one year and until their successors are elected and qualified, except the aldermen, who shall hold their offices for two years following.

The annual election shall be held in the several wards at nine o'clock in the forenoon at such place as shall be designated in the warning therefor, and the polls shall be kept open until 4 o'clock in the afternoon of the same day. Every election of city officers shall be by ballot, and a plurality of votes shall be sufficient for an election. In case any candidate for any of said offices shall not receive a plurality of the votes cast, the voters shall proceed to vote again and so on from time to time until an election shall be made, and the same proceedings shall be had and time given for ballots, and in case of general city officers same certificates as in case of election of representative to general assembly. It shall be the duty of the clerks of the several wards to keep a record of all elections held therein, and to furnish to each officer who may be elected for such ward, including aldermen, a certificate of his election, and also, immediately after any election in such ward, to return to the city clerk a statement of the votes for all offices in his ward, which statement shall be recorded in the city records and a certificate by the city clerk of the result of such election in the whole city shall be forthwith published in the various newspapers of the city.

It shall be the duty of the inspectors of election to be present and preserve order at all elections in their respective wards, to decide all questions relative to the right of any person to vote at such election, and to sort and count the ballots, and to publicly announce the result to the voters present. The inspectors shall select one of their number to preside at each election.

SEC. 15. Section twenty-one of said act is hereby amended by striking out the word "fourteen" in the eleventh line of said act, as printed in the session laws of 1892, and inserting in place thereof the word "eighteen."

SEC. 16. Section twenty-two of said act is hereby amended so as to read as follows :

Section 22. For the enacting of all ordinances and by-laws, and the transaction of any other business provided to be done

by the city council, the action of the board of aldermen shall require the approval of the mayor, except as herein otherwise provided. If the mayor shall approve any ordinance or by-law, or any resolution or vote of the board of aldermen in respect to the business above referred to, he shall sign the same ; if not, he shall return it, with his objections in writing, to the board of aldermen at their next regular meeting after it shall have been presented to him, provided he shall have not less than ten days to consider such ordinance, by-law, resolution or vote, as aforesaid. The board of aldermen shall then proceed to consider such ordinance, by-law, resolution or vote, and if, upon such re-consideration, two-thirds of the whole number of aldermen shall vote in favor of the same, it shall be valid and take effect, notwithstanding the objection of the mayor. If any such ordinance, by-law, resolution or vote shall not be returned by the mayor to the board of aldermen at their next regular meeting, after the period of ten days has elapsed after he shall have received it, the same shall be valid and take effect without his approval. The board of aldermen shall meet regularly on the first and third Mondays of each month, and as much oftener as they shall be convened by the mayor.

Personal notice of all meetings except the regular meeting above provided for shall be served on each alderman either by the mayor, or by the city clerk under his direction, or by the city clerk on petition signed by a majority of the members, filed with him.

All meetings of the board of aldermen shall be public, except when assembled for executive business.

SEC. 17. Section twenty-four of said act is hereby amended so as to read as follows :

Section 24. The city council shall have power to make, establish, alter, amend or repeal ordinances, regulations and by-laws, not inconsistent with this act or with the constitution or laws of the United States or of this state, for the following purposes, and to inflict penalties for the breach thereof not exceeding a fine of \$50 :

(1) To establish and regulate a market, and to regulate the selling or peddling of meat, fish or other provisions from vehicles about the city.

(2) To regulate the exhibitions of common showmen, and shows of every kind not interdicted by law, and to regulate, restrain, or license itinerant venders and peddlers.

(3) To abate and remove nuisances.

(4) To compel the owner or occupants of any unwholesome, noisome or offensive house or place to remove or clean the same from time to time, as may be necessary for health or comfort of the inhabitants of said city.



(5) To direct the location and management of all slaughter-houses, markets, steam mills, blacksmith shops, sewers, and all private drains, and to compel the construction of drains within the limits of the city under such inspection regulations as the city council may adopt.

(6) To regulate the manufacture and keeping of gun powder, ashes, and all other combustible and dangerous materials.

(7) To regulate the making of, alteration and repairs of stove-pipes, furnaces, fire-places and other things from which danger of fire may be apprehended, and also to regulate the use of buildings in crowded localities for hazardous purposes; to provide for the preservation of buildings from fires by precautionary measures and inspections; to regulate the size, height and material of new buildings to be constructed in the city, or in certain prescribed localities therein, and to establish and regulate a fire department and fire companies.

(8) To prevent immoderate riding or driving in the streets.

(9) To regulate the erection of buildings, and prevent encumbering the streets, sidewalks and public alleys with firewood, lumber, carriages, boxes or other things, and provide for the care, preservation and improvement of public grounds.

(10) To restrain and punish vagrants, mendicants and common prostitutes.

(11) To restrain and regulate the running at large of cattle, horses, swine, sheep and goats, and to regulate or restrain the running at large of dogs. And in addition to the tax now imposed by the law upon the owners or keepers of dogs, to impose upon or require of the owner or keeper of any dog or dogs, such additional tax or license fee for the keeping thereof, and prescribe such penalties in default thereof as may be deemed necessary.

(12) To regulate and determine the time or place of bathing in any of the public waters within said city or adjacent thereto, and to prevent the same.

(13) To license innkeepers, keepers of saloons, victualing houses, billiard saloons and auctioneers, under such regulations as shall be prescribed therefor.

(14) To prevent all practices in streets and public places having a tendency to injure or annoy persons passing therein or to endanger the security of property.

(15) To regulate gauging, the place and manner of selling and weighing hay, packing, inspecting and branding beef, pork and produce, and of selling and measuring wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

(16) To license porters, cartmen and owners or drivers of hackney coaches, cabs or carriages, and to regulate their fees and prescribe their duties.

(17) To prescribe the powers and duties of watchmen and policemen of said city.

(18) To regulate, establish and alter the grade of streets and sidewalks.

(19) To regulate the burial of the dead, the keeping, returning and preserving statistics of deaths and burials, also the returning and keeping a record of all births and marriages.

(20) To regulate or prohibit the suspending or putting up of any sign or awning in or over any street, lane, alley, common or other public place in the city; and whenever the public good may require to order and direct that any sign or awning heretofore erected or suspended as aforesaid shall be taken down or removed.

(21) To compel reports of contagious and infectious diseases, and those of pestilential nature, from physicians, surgeons and others.

(22) To prescribe rules for the placing of poles, wires and electrical conduits in, over and under the streets of the city, and to regulate their use. And said city council may make and establish and the same alter, amend or repeal any other by-laws, rules and ordinances which they deem necessary for the well-being of said city, and not repugnant to the constitution or laws of this state, all of which by-laws, regulations and ordinances shall be duly published in one or more newspapers of this city, to be prescribed by the city council at least twenty days before they take effect.

SEC. 18. Section twenty-seven of said act is hereby amended so as to read as follows:

Section 27. No money shall be paid out by the city treasury, except upon warrant signed by the mayor, and approved by the board of aldermen, such approval to be authenticated by the city clerk, except that when any sum of money has been voted by the city council, and the mayor neglects or refuses for ten days to sign the warrant, the same may be signed by a majority of the board of aldermen, and also excepting expenditures of the school commissioners, and orders drawn by courts in the exercise of their criminal jurisdiction. A full record of all expenditures shall be kept, and a clear statement of all receipts and disbursements of city moneys, and of the affairs of the city generally, shall be annually published, under the direction of the mayor, at least two weeks before the annual city election.

The fiscal year for all departments of the city government shall commence upon the first day of January and end on the 31st day of December in each year.



No city official shall be directly or indirectly interested in any contract with the city.

All contracts and purchases exceeding in amount the sum of two hundred dollars shall be made by inviting bids or proposals therefor, under seal, which bids or proposals shall be publicly opened at a meeting of the board of aldermen.

SEC. 19. Section 31 of said act is hereby amended by striking out the words: "belonging to, or" in the 4th and 5th lines of fourth paragraph of said section, and also striking out the words "and sale," in the 3rd line of the tenth paragraph, and inserting before the word construction in the same line, the word "and."

SEC. 20. Section thirty-two of said act is hereby amended so as to read as follows:

Section 32. All taxes except state and county taxes shall be assessed by the city council; and whenever any tax shall be assessed by the city council the tax bill shall be delivered to the city treasurer to whom the taxes so assessed shall be paid; and if at the expiration of one month and eight days from the time said tax bill shall have been delivered to said treasurer, any taxes shall remain unpaid, the treasurer shall issue his warrant against such delinquent person for the collection of such unpaid taxes, adding to each unpaid tax, five per cent., and ten cents for each warrant, which warrant shall be addressed and delivered to the constable of the city and said warrant shall remain in force until taxes in the rate bill are paid, abated or outlawed. It shall be the duty of such constable to collect all taxes legally imposed, contained in such tax bill including such five per cent., and pay the same to the city treasurer subject to such abatement of such taxes as may be made by the board for the abatement of taxes. Such constable shall have the power and authority in the collection of such taxes and five per cent. and shall proceed in the same manner therein and be under the same duties and liabilities as the general laws of the state now, or may hereafter, prescribe in regard to the collection of taxes by constables or collectors of taxes in towns, and he shall be entitled to the same fees for the service of such warrant on the respective delinquent tax payers named therein and the collection of such taxes and five per cent., as collectors of such taxes are by law entitled to when they levy on persons or estate and such fees shall be collected by such constable of such delinquent tax payers and shall be the only compensation of such constable for the collection and payment to the city treasurer of such taxes and five per cent. Public notice of the fact shall be given by the treasurer when any tax shall be assessed by the city council and the tax bill delivered to him by publication in all the daily and weekly newspapers published in said city for the

period of eight days immediately succeeding the time when such tax bill shall have been delivered to the city treasurer. And in such notice the time shall be named when according to this section all unpaid taxes on such tax bill will be placed in the hands of the constable for collection aforesaid.

The existing village of Rutland shall continue until the first day of April, A. D. 1893, except for the purposes of holding elections, at which time said village is and shall be abolished, and no election for village officers shall hereafter be holden in said village. All the powers given to said village or its board of trustees, not inconsistent with this act, under existing laws, are hereby continued to the city of Rutland, and shall be exercised by or under the authority of the city council.

SEC. 21. Section thirty-three of said act is hereby amended to read as follows:

Section 33. Whenever in the present existing statutes of this state, towns or town officers are referred to, all the provisions of such statutes shall be taken to apply to the city of Rutland and to the several officers thereof, corresponding respectively to like officers of towns.

SEC. 22. Section thirty-five of said act is hereby amended by striking out the second paragraph of said section, and by inserting in place of the paragraph so stricken out, the following:

The city council shall provide a supply of water for the protection of said city against fire, the domestic use of the inhabitants of said city, and for other purposes and regulate the use of the same; and for such purposes may establish and maintain reservoirs, aqueducts, water pipes, hydrants, or any other apparatus necessary for such purposes, upon, in, and through the lands of individuals and corporations, on making compensation therefor; and in taking such lands for such purposes said city council shall proceed in the same manner as the board of street commissioners are authorized by law to proceed in taking of lands for highways; and the same right to appeal to the county court from the decision of the city council in taking such lands and in awarding land damages shall be allowed; and such appeal shall be taken in the same manner as is provided by law from the decision of said street commissioners in such matters, except that such appeal if taken from the appraisal of damages only, shall not prevent the said city from proceeding with its works as though no such appeal had been taken; but the city council in providing such supply of water and establishing and maintaining reservoirs, aqueducts, water pipes, hydrants and other apparatus, as hereinbefore provided, shall be subject to the provisions and be under the restrictions, as to assessing taxes and raising money therefor provided in section (twenty).



eight) of this act, and the city council may by ordinance make regulations regarding the use and control of water, and the preservation of the property connected therewith.

SEC. 23. Section 37 is hereby repealed and subsequent sections renumbered.

SEC. 24. This act shall take effect from its passage, and all sections of said act No. 110 not hereby amended shall remain in all respects as valid as though this act had not been enacted.

Approved November 27, 1900.

NO. 164.—AN ACT CREATING A BOARD OF PUBLIC WORKS FOR THE CITY OF ST. ALBANS AND DEFINING ITS DUTIES, AND AUTHORIZING AN ISSUE OF BONDS.

Section

1. Board of public works created; election and term of office.
2. Duties of said board.
3. Issue of bonds.

Section

4. Amount to be expended annually by said board.
5. Act to take effect when accepted by a majority of legal voters.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. O. L. Hinds, M. F. Sullivan, W. S. Stevens, M. Magiff and S. C. Greene, and their successors are hereby constituted a permanent board of public works of five members in and for the city of St. Albans; said board to always consist of five members of legal voters of said city and not more than three of its said members at any time shall belong to the same political party; said members shall hold their office from the time of the acceptance of this act by said city as hereinafter provided and for the term of five, four, three, two and one year respectively after April 1st, 1901 and one member shall be elected each and every year at the annual March meeting of said city commencing with the annual meeting of March 1902, to serve for the term of five years in the place of the retiring member; vacancies in said board caused by death, removal or otherwise shall be filled by the said board until the next following annual meeting of said city and upon failure of said board to elect, the mayor shall have the casting vote.

SEC. 2. It shall be the duty of said board to direct and control the expenditure of a sum of not less than fifteen thousand dollars each and every year hereafter for the term of ten

years as hereinafter provided, for permanent construction, repairs and improvements of the streets, alleyways, sidewalks and sewers in said city; and all matters pertaining to the permanent building, repairs and improvements of the said streets, alleyways, sidewalks and sewers shall be under the exclusive general management, direction and control of said board and all work shall be done in connection therewith and thereon under plans and specifications to be furnished by them; and all of said work on said streets, alleyways, sidewalks and sewers shall be done by the city council in accordance with surveys, plans and specifications furnished to the city council by said board and not otherwise and at the time and in the manner directed by said board.

SEC. 3. The city of St. Albans is hereby authorized and empowered to issue negotiable bonds to an amount of not more than seven thousand dollars annually, each and every year for a term of ten years, from and after the first day of December, 1900, for the purpose of paying for the permanent building, construction, repairs and improvements of the streets, alleyways, sidewalks and sewers in said city under the provisions of this act and for any and all indebtedness contracted for said purposes.

Such bonds shall be payable in twenty years from the date of their issuance and bear interest at a rate not exceeding four per cent. annually, shall be signed by the mayor and countersigned by the treasurer of said city and if interest coupons are attached they shall be signed by the treasurer; and the bonds shall be in denominations of five hundred and one thousand dollars and shall contain a statement that they were issued for the purposes mentioned and in accordance with the provisions of this act and such statement shall be conclusive evidence of the same and of the liability of the city to pay such bonds in an action by a person who in good faith holds such bonds.

The city treasurer shall keep a record of every bond issued under the provisions of this section, therein stating the number and denomination of each bond, when and where payable, to whom issued, and the rate of interest thereon and shall also keep a record of payments, interest and principal, and if any coupons are taken up shall deface the same.

SEC. 4. The city council of the city of St. Albans shall annually, commencing with the second Tuesday of March, 1901, set apart out of and from the amount collected in taxes in said city the sum of not less than eight thousand dollars, which said sum of not less than eight thousand dollars shall be for the sole and exclusive purposes specified in section two of this act, and, together with the amount realized from the seven thousand dollars of said bonds specified in section three of this act shall be



by the secretary and accepted by the treasurer of said company, on interest after three months from notice of loss; but in estimating damage and adjusting losses, no allowance shall be made for any gilding, historical or landscape painting, stucco or carved work.

SEC. 13. It may and shall be lawful for said company, upon any person or persons applying for insurance in said company, to receive from them a certain sum of money in full for such insurance, which said sum shall be in lieu and place of a premium note, and such person or persons shall not be liable to said company during the continuance of his, her or their policy for any assessment or further payment; provided, however, that the property insured as aforesaid shall in no case exceed ten per cent. of the amount insured in said class.

SEC. 14. If any alteration shall be made in any house or building by the proprietor thereof, after insurance has been made thereon with said company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, the insurance made upon such house or building shall be void, unless an additional premium and deposit, after such alteration, be settled with and paid to the directors; but no alteration or repairs in buildings, not increasing such risk or hazard, shall in any wise affect insurance previously made thereon.

SEC. 17. If insurance on any house or building shall be and subsist in said company, and in any other office, or from and by any other person or persons, at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsist with the consent of the directors.

SEC. 26. This act shall take effect from its passage.  
Approved November 26, 1900.

No. 235.—AN ACT PROVIDING FOR FILLING CERTAIN VACANCIES IN THE BOARD OF DIRECTORS OF THE NATIONAL LIFE INSURANCE COMPANY, AND IN ADDITION TO AN ACT ENTITLED, "AN ACT TO AMEND THE CHARTER OF THE NATIONAL LIFE INSURANCE COMPANY," APPROVED OCTOBER 24, 1894.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Any vacancy in the board of directors of the National Life Insurance Company, occurring after the third Tuesday of January in any year and before the succeeding third Tuesday of January, may be filled before such succeeding third Tuesday of January by the board of directors, a quorum being present, by the election from the members of the company of a director, who shall thereupon be a director filling such vacancy until but exclusive of said succeeding third Tuesday of January.

SEC. 2. This act shall take effect from its passage.  
Approved November 23, 1900.

No. 236.—AN ACT TO AMEND THE CHARTER OF THE STATE MUTUAL FIRE INSURANCE COMPANY.

Section  
1. Amount of insurance on stock plan limited.  
2. Capital stock.  
3. Voting power of shareholders and members.  
4. Dividends to stockholders.  
5. Impairment of capital and investment of assets.

Section  
6. May purchase business or assets of other companies, but shall not assume debts and liabilities except to reinsure risks.  
7. Method of determining amount of insurance which may be written on stock plan.  
8. Act takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 13 of act entitled, An act to incorporate the State Mutual Fire Insurance Company of Rutland, Vt., approved November 29, 1898, is hereby amended to read as follows:



Said company may, upon any person or persons applying for insurance in said company, receive from them a certain sum of money in full for such insurance, which said sum shall be in lieu and in place of a deposit note; and such person or persons shall not be liable to said company during the continuance of his, her or their policy for any assessment or further payment,—provided, however, that the property insured, as aforesaid, shall in no case exceed 20 per cent. of the whole amount insured by said company, except in case said company shall issue capital stock as hereinafter provided, in which case said company may issue such policies to any extent deemed proper and for the best interests of the company, by its directors, provided that the capital stock of said company paid up in cash or property of an equivalent cash value, in addition to the premium notes held by said company, shall not be less than two per cent. (2%) of the amount insured by said company in that class of policies; and it shall be the duty of the directors to keep within such limit. But no person or persons insured in said company, as provided in this section, shall have any right, by reason of such policy of insurance, to vote at the meetings of said company.

SEC. 2. Said company may have a capital stock of \$100,000, divided into shares of fifty (50) dollars each, which may be issued by the directors in their discretion, and the proceeds thereof shall be the property of the stockholders and kept as a fund for the better protection and security of the policy holders. But any earnings or surplus derived therefrom from assessments upon the premium notes or otherwise in excess of the limit of dividends herein provided as payable to stockholders, shall belong to the members and be held or used for the benefit of the policy holders.

SEC. 3. Every stockholder shall be entitled to one vote for each share of stock standing in his name on the books of the company, and he may do so by proxy duly authorized in writing, and every person who is a member of said company under the provisions of section 2 of the act of incorporation, shall be entitled to one vote and the right to vote by proxy.

SEC. 4. The holders of the capital stock of the company shall be entitled to semi-annual dividends not exceeding three per cent. to be declared only out of the profits of the business.

SEC. 5. The amount of capital stock issued by said company shall, at all times, be kept good; and the proceeds thereof shall be invested by the directors in same manner as provided by law in respect to funds of domestic fire insurance companies in this state and subject to the approval of the insurance commissioners of this state.

SEC. 6. Said company may purchase the business or assets of such other insurance companies, as may be deemed expedient, and pay therefor in stock of this company, or otherwise, but it shall not assume any debts or liabilities of any other company, except to reinsure its risks, as by its charter provided.

SEC. 7. The limit of the amount of insurance which may be carried by said company with fully paid premiums in excess of twenty per cent. of the whole amount insured by said company, may be fixed by the insurance commissioners upon the basis provided by section 1 of this act after first determining the value of the assets, of said company in addition to the premium notes taken for policies issued on the mutual plan.

SEC. 8. This act shall take effect from its passage.

Approved November 27, 1900.

#### No. 237.—AN ACT TO INCORPORATE THE "VERMONT ACCIDENT INSURANCE COMPANY."

Section.	Section.
1. Corporators, name, purpose and powers.	5. Election of directors and officers; by-laws.
2. Capital stock and dividends thereon; when may commence business.	6. Transfer of stock.
3. Voting power of policy holders.	7. Powers in general.
4. First meeting and organization.	8. Act takes effect from passage; subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. W. N. Theriault, A. G. Eaton, J. H. Kelleher, M. L. Wood, F. B. Thomas and all other persons who may hereafter become members, in the manner hereafter described, are hereby constituted a corporation by the name of the "Vermont Accident Insurance Company," for the purpose of insuring any person against bodily injury, disablement or death resulting from accident, and providing benefits for disability caused by disease; and by said name they may sue and be sued, plead and be impleaded, have a common seal and the same alter at pleasure, and may enjoy all the other rights and powers incident to such corporations.

SEC. 2. Said corporation shall issue stock to the sum of ten thousand dollars for the purpose of establishing a guarantee fund for the payment of claims of its policy holders, and said stock shall be divided into shares of one hundred dollars each. Said stock may receive dividends not to exceed seven per cent. per annum; further profits shall accrue for the benefit of the com-



No. 240.—AN ACT TO INCORPORATE THE NEW HAVEN  
POWER AND MANUFACTURING COMPANY.

Section	Section
1. Corporators, name, purpose and powers.	6. By-laws; each share of stock entitles holder to one vote.
2. Location.	7. Election of directors and officers.
3. General powers.	8. Commissioners to receive subscriptions.
4. Capital stock.	9. Act subject to general law and to future legislation; takes effect from passage.
5. Power to bond and mortgage to the amount of its capital stock.	

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. John Gray, Wallace W. Gray and Louis Kraft, their successors, associates and assigns, are hereby constituted a body corporate and politic by the name of the New Haven Power and Manufacturing Company, for the purpose of developing and selling power from water and electricity and dealing in real estate in the town of New Haven, in the county of Addison, and for manufacturing such articles as it may hereafter, by amendment to its charter, be authorized to do; and by that name shall have perpetual succession, may sue and be sued, may plead and be impleaded, defend and be defended in all courts of law and equity, may have a common seal, and shall have all the rights, powers and privileges incident to corporations.

SEC. 2. Said corporation shall be located in the town of New Haven in the county of Addison, where its principal office shall be kept and its meetings held.

SEC. 3. It may acquire, hold, lease, manage, rent and sell real estate and purchase, lease and sell such personal property and erect such buildings and dams as may be deemed desirable in carrying on the business of said corporation.

SEC. 4. The capital stock of said corporation shall be ten thousand dollars, divided into one hundred shares of one hundred dollars each.

SEC. 5. It shall have the power to borrow money, and to issue bonds or other evidence of indebtedness therefor, and for the security and payment thereof may mortgage its property both real and personal together with its franchise, which bonds and mortgages shall be executed in such manner as said corporation shall provide in its by-laws, but said indebtedness shall not in the aggregate exceed the fair cash value of its property and franchise, or the amount of its capital stock.

SEC. 6. The stockholders shall adopt such regulations and by laws as may be deemed necessary and not repugnant to public policy or the laws of the state for the management of the affairs and business of the corporation. Each share of the stock of the corporation shall entitle the record holder to one vote in person or proxy, duly filed by the clerk.

SEC. 7. The affairs of said corporation shall be managed by three directors, elected as provided in the by-laws of said corporation, who shall be stockholders and from their number shall elect a president, clerk and treasurer. The office of clerk and treasurer may be held by one director.

SEC. 8. The persons named in the first section of this act are constituted commissioners to receive subscriptions for the capital stock.

SEC. 9. This act shall be subject to future legislature, to alter, amend and repeal as may be required, and shall be subject to the provisions of chapter 164 of the Vermont Statutes, and shall take effect from its passage.

Approved November 27, 1900.

No. 241.—AN ACT TO AMEND THE ARTICLES OF  
ASSOCIATION OF THE RUTLAND FIRE CLAY  
COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Rutland Fire Clay Company, a corporation organized under the general law, shall hereafter be authorized, in addition to its present powers, to do a coke and coal business, both at wholesale and retail, provided said corporation shall cause this amendment to its charter to be recorded, with the secretary of state and a certified copy thereof to be filed in the town clerk's office in the town of Rutland.

SEC. 2. This act shall take effect from its passage.

Approved Nov. 19, 1900



ing from one of its properties to another to cross or pass upon a public highway, it may do so, upon procuring proper consent of the town, village or city in which it is located or if in so doing it is necessary to pass over the property of another, it may do so upon procuring proper consent in writing of the owner or owners thereof.

SEC. 5. The said company is hereby authorized to purchase, hold and sell stock of other corporations and may issue its full paid and non-assessable stock in payment for any property, either real or personal purchased by it and it may make, issue and deliver in payment of said property so purchased or to raise money for the purchase thereof, its obligations or stock, or both, in such amounts as its board of directors may determine and any stock so issued shall be deemed fully paid but the stock shall not be issued to a greater amount than the authorized stock of the company as hereinbefore provided.

SEC. 6. Said company shall have power to borrow money, issue its bonds therefor, and upon the vote of its directors, mortgage its property and franchises to secure the payment of such bonds to an amount not exceeding three-quarters of the value of its said property and franchise. Said bonds may bear interest at a rate not exceeding six per cent.

SEC. 7. The stock, property and affairs of said company shall be managed by a board of directors consisting of not less than three nor more than eleven persons, as may be provided in the by-laws, and all vacancies to be filled, as may be prescribed therein; all of the directors shall be residents of this state. The first board of directors of said corporation shall be elected by the incorporators first herein named; such first board of directors shall continue in office until the third Wednesday in August, 1901, and until a new board of directors shall be chosen.

In August, 1901, and annually thereafter, a board of directors shall be elected at the annual meeting to be held at such time and place as provided in the by-laws. Qualification of directors to be such and the method of election to be such as the by-laws shall provide.

SEC. 8. There shall be a president, secretary and treasurer of such corporation, and such other officers as shall be provided for by the by-laws. The president shall be selected by and from the directors; the other officers shall be elected or appointed or may have such qualifications as may be provided for by the by-laws, which may be changed, amended or repealed by a vote of the holders of a majority of the stock represented in person or by proxy, at any meeting of the stockholders duly called.

SEC. 9. Said company shall have power to hold and convey such real or other property as may be purchased by it at any sale or sales, or for the foreclosure or other enforcement of any claim, judgment, mortgage, deed or agreement in the nature of a pledge or mortgage upon such property taken by such company in the course of its business transactions, and may change its principal place of business to any other town or city in this state, by filing a certificate duly executed by its president and secretary in the office of the secretary of state.

SEC. 10. This act shall take effect from its passage.

Approved November 27, 1900.

#### No. 244.—AN ACT TO INCORPORATE THE RUTLAND MASONIC ASSOCIATION.

Section  
1. Rutland Masonic Association declared to be a valid body corporate for purposes named.  
2. Powers.

Section  
3. Shall have no capital stock; plan of management.  
4. Election of officers.  
5. Act takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Rutland Masonic Association, a corporation organized by voluntary association under the laws of Vermont, is hereby declared to be a valid body corporate for the purposes of receiving subscriptions, donations and bequests of money and other property, real and personal, and of holding, managing, controlling, expending and incumbering the same to secure loans, and of erecting, finishing, furnishing, controlling and managing a building or buildings, for the use of Center Lodge, No. 34, F. & A. M.; Rutland Lodge, No. 79, F. & A. M.; Davenport Chapter, No. 17, R. A. M.; and Killington Commandery, No. 6, K. T., and the survivor of them and the members thereof, and to be devoted to masonic and charitable uses, and so long as the buildings and real estate of said corporation shall be used for the purposes aforesaid the same shall be exempt from taxation.

SEC. 2. This corporation shall have all the powers incident to corporations and may borrow money to carry on its building operations and may secure such loan by mortgage upon its real estate.

SEC. 3. Said corporation shall have no capital stock and shall consist of twelve members of which the masonic bodies aforesaid shall have equal representation; but said masonic



bodies shall have no property rights in any of the property real or personal, of this corporation except such use as may be assigned to each.

SEC. 4. This said corporation shall have and elect such officers and trustees as shall be provided for in its by-laws, and the present organization under said voluntary association is hereby recognized and shall remain in full force and effect until the same shall be changed in accordance with the by-laws of said corporation.

SEC. 5. This act shall take effect from its passage.

Approved November 27, 1900.

#### No. 245.—AN ACT TO INCORPORATE THE BRADFORD CEMETERY ASSOCIATION.

##### Section

1. Corporators, name and powers.
2. Election and powers of trustees and appointment of officers.
3. Life membership; first meeting; by-laws.
4. Selectmen on vote of town to deed cemetery grounds to association.

##### Section

5. Power to take land by condemnation proceedings.
6. Act takes effect from passage; subject to future legislation.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Roswell Farnham, John C. Stearns, Barron Hay, Edward C. Sawyer, John Currier, Moses G. Flanders, Calvin E. Clark, John B. Peckett, Henry C. McDuffee, Fred E. Doe, David S. Conant, John G. Norcross, John B. W. Prichard, Frederick Fletcher, Herbert T. Johnson, Charles D. Jones, Warren Goodwin and William E. S. Celley, their associates and successors are hereby constituted a corporation by the name of the "Bradford Cemetery Association," and by that name may sue and be sued, may have perpetual succession, and enjoy all the privileges incident to corporations, and may take by gift or purchase and hold within the town of Bradford, not exceeding fifty acres of land, in addition to the present Bradford Cemetery Burial Ground, on the upper plain, to be held and occupied for a cemetery for the burial of the dead. Such association may take by gift and hold in trust, property to an amount not exceeding \$25,000, the income of which shall be used for the improvement and beautifying of said cemetery, for the care of lots and for special use in and about said cemetery.

SEC. 2. The affairs of said cemetery association shall be managed by trustees in number not less than seven, a majority

of whom shall constitute a quorum for the transaction of business. The trustees shall appoint from among their number a president, secretary and treasurer, who shall hold their places during the pleasure of the board. The trustees may, if they so vote, require the treasurer to give a bond for the faithful discharge of the duties of his office. The trustees shall be elected by the members of the association on the first Tuesday of April in each year as follows: two for one year, two for two years, and three for three years; and at the expiration of their respective terms other trustees shall be elected to take their places, but in case of a failure of an election at the stated time, the old trustees shall hold their offices until new ones shall be elected. Absent members of the association have a right to vote by proxy.

SEC. 3. Any person may become a life member of this association by paying the sum of \$25.00 to the treasurer, and subscribing his name to the by-laws of the association. The first meeting of the association shall be held at the village hall in Bradford, on the first Tuesday of February A. D. 1901, at two o'clock in the afternoon; at such meeting or an adjourned meeting thereof, they shall elect seven trustees and, at such or any subsequent meeting duly called by the trustees, they may adopt such by-laws, rules and regulations as may be thought necessary, not inconsistent with the laws of this state.

SEC. 4. The selectmen of the town of Bradford are hereby authorized to deed the land in Bradford on which the present cemetery on the upper plain now is, to the Bradford Cemetery Association, provided that the town, at a meeting properly warned for that purpose, shall vote to instruct them so to do.

SEC. 5. The association may take land for burial purposes and for the enlargement of said cemetery grounds, if unable to agree with the owner of the land required for the purposes aforesaid, in the manner prescribed by Chapter 158 of the Vt. Statutes, and the amendments thereto.

SEC. 6. This act shall take effect from its passage, and shall be under the authority of any future general assembly to amend or repeal.

Approved November 20, 1900.



*Chas. D. Harris*

ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

State of Vermont

AT THE

SEVENTEENTH BIENNIAL SESSION, 1902



PUBLISHED BY AUTHORITY.

BURLINGTON.  
FREE PRESS ASSOCIATION,  
1902.

Acts & Resolves 1902



that the trustees of the villages or selectmen of the towns or city council of the city through which its tracks may pass, may apply to the county court of Washington county at the next term thereof, by petition or complaint lodged, that the rates of fare and tolls are excessive, which petition or complaint shall be served upon said company by the proper citation as a writ of summons and said court shall hear the parties and decide what rate of fare or toll said company shall thereafter demand for the period of five years.

SEC. 10. Any person who shall wilfully hinder, obstruct or injure the company in the use of its road, track or their equipment shall for every such offense be fined not exceeding fifty dollars or be imprisoned not exceeding six months or both.

SEC. 11. Said company shall have the power to borrow money, issue its notes or bonds therefor to the extent of the fair market value of its property, and may mortgage its property to secure payment of said notes or bonds.

SEC. 12. Any town or city through, or into which, said railroad shall pass, may aid in the construction of said railway to the extent and in the same manner they are now authorized to do under the provisions of chapter 141 of the Vermont Statutes in the construction of a railroad under the law of this state.

SEC. 13. The provisions of sections 3815 to 3824 inclusive of the Vermont Statutes, shall apply to this act, and this act shall be subject to the general law relating to street railroads, and this act shall be under the control of any future legislature to alter, amend or repeal.

SEC. 14. This act shall take effect from its passage.  
Approved December 2, 1902.

No. 184.—AN ACT TO AMEND SECTION 5 OF NUMBER 176 OF THE ACTS OF 1898 RELATING TO THE MONTPELIER AND NORTHERN TRACTION COMPANY.

*It is hereby enacted by the General Assembly of the State of*

*Vermont:*

SECTION 1. Section 5 of No. 176 of the Acts of 1898 is hereby amended so as to read as follows:

Section 5. Such company shall not commence the construction of its road until fifty per cent par value of the stock sub-

scribed for as provided in section 3, is paid in, and if said company shall not within five years from January 1, 1903, commence the construction of its road this act shall be void.

SEC. 2. This act shall take effect from its passage.

Approved November 11, 1902.

No. 185.—AN ACT TO AMEND NUMBER 148 OF THE ACTS OF 1900 ENTITLED AN ACT TO INCORPORATE THE NEWPORT, HARDWICK AND MONTPELIER RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section six of act No. 148 of the Acts of 1900 is hereby amended as follows:

By striking out in lines 27, 28 and 29 of said section six the words: "And may take such water privileges in the aforesaid towns as may be required to furnish power for the same," also by striking out in line 30 of said section six after the word "land" the words, "and water privileges," also in line 34 of said section six by striking out after the word "lands," the words, "or water privileges."

SEC. 2. This act shall take effect from its passage.

Approved December 12, 1902.

No. 186.—AN ACT IN AMENDMENT OF NUMBER 203 OF THE ACTS OF 1896 INCORPORATING THE RUTLAND AND MONTPELIER RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 1 of No. 203 of the Acts of 1896 is hereby amended so as to read as follows:

Section 1. Such persons as shall hereafter become stockholders are hereby constituted a body corporate, by the name of the Rutland and Montpelier Railroad Company, for the purpose and with the right of building a railroad with a single or double track of such gauge or width as shall be deemed advisable, from



some point in the city of Rutland or elsewhere on the line of the Rutland Railroad in the county of Rutland through any or all of the following towns: City of Rutland, Pittsford, Brandon, town of Rutland, Chittenden, Mendon, Goshen, Sherburne, Pittsfield, Stockbridge, Rochester, Hancock, Granville, Warren, Waitsfield, Moretown, Middlesex, Berlin, the cities of Montpelier and Barre and the town of Barre. Said corporation shall have the right to carry and transport passengers and property on said road by the power of steam or otherwise, and may sue and be sued, may have a common seal and shall have all the rights and powers incident to corporations.

SEC. 2. Section 3 of No. 203 of the Acts of 1896 is hereby amended so as to read as follows:

Section 3. W. M. Huntington, E. H. Edgerton, W. D. Huntington, F. A. Kezer, D. D. Hemenway, C. W. Brigham, E. W. Slayton, Plyn Parker, H. W. Lyford, Charles Dewey, Rockwood Barrett, R. J. Flint, W. H. Lawrence, E. C. Tuttle, T. W. Moloney, H. O. Carpenter, Wayne Bailey, F. C. Partridge, Hiram F. Noyes, John D. Miller, George R. Bottum, Henry F. Field, J. W. Brock, O. H. Richardson, A. J. Sibley, Joseph A. DeBoer, C. P. Pitkin, J. H. Senter, J. M. Boutwell, J. G. Brown, F. M. Corry, H. O. Ward, C. E. Jones and O. G. Eaton shall be the commissioners to receive subscriptions to the capital stock of said company, who shall open the books therefor at such times and places as they or a majority of them shall elect, giving ten days' notice thereof by publication in one or more newspapers published in Addison, Rutland, Washington and Windsor counties.

SEC. 3. Section 10 of No. 203 of the Acts of 1896 is hereby amended so as to read as follows:

Section 10. This act shall be deemed and taken to be a public act, and shall be construed favorably and beneficially for all purposes for which the same is intended, and the company hereby incorporated shall possess and enjoy the right of eminent domain and all the rights and powers conferred upon railroad corporations by the general laws of this state, but said company shall not be required to cause the location of its road to be made or recorded, nor to commence the construction of said road before the expiration of the period first named in section 9 of this act as amended by No. 151 of the Acts of 1900.

SEC. 4. Section 11 of No. 203 of the Acts of 1896 is hereby amended so as to read as follows:

Section 11. The directors may contract with the managers of any railroad company to construct said railroad and to perform all transportation of persons and property upon and over said road, and may lease the said road and do such other things as may be necessary to build and operate said road, and said com-

pany may consolidate or be consolidated with any other railroad company.

SEC. 5. Section 12 of No. 203 of the Acts of 1896 is hereby amended by striking out the word "of" before the words "the grand list" in said section, and inserting in lieu thereof the word on.

SEC. 6. This act shall take effect from its passage.  
Approved December 10, 1902.

# No. 187.—AN ACT TO AMEND THE CHARTER OF THE RUTLAND RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The board of directors of the Rutland Railroad Company shall hereafter consist of not less than nine nor more than thirteen members, to be elected at the annual meeting of said company and to hold office for the term of one year and until their successors are elected.

Such board of directors shall choose from their number a president, and one or more vice-presidents to hold office for the term of one year and until their successors are chosen.

Such board shall appoint a clerk, treasurer and all other needed officers to hold office during the pleasure of such board.

SEC. 2. All vacancies in the board of directors shall be filled at a meeting of the stockholders duly called for that purpose.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect from its passage.  
Approved October 22, 1902.



No. 188.—AN ACT TO AMEND THE CHARTER OF THE  
RUTLAND AND WOODSTOCK RAILROAD COM-  
PANY.

Section.	Section.
1. Charter amended in first section.	crossing determined by general law.
2. Operating of road over streets: railroad commissioners may decide disputed questions.	6. Construction commenced within two years.
3. Electric power used: may acquire certain water privileges.	7. Towns may aid.
4. Chapter 169 V. S. to govern damages on taking lands in case of disagreement.	8. Care of streets by corporation: must conform to grades: selectmen may repair in case of neglect by corporation.
5. Crossing tracks: compensation for	9. Takes effect Dec. 3, 1902.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The first section of the act entitled "An Act to Incorporate the Rutland and Woodstock Railroad Company," approved November 3, 1865, is hereby amended so as to authorize the construction of said Rutland and Woodstock Railroad into or through such of the following towns and cities, namely: Rochester, Hancock, Granville, Warren, Waitsfield, Moretown, Middlesex, Berlin and Montpelier, into or through which it will be necessary to pass in constructing an extension of said railroad to the city of Montpelier; and said Rutland and Woodstock Railroad Company is hereby authorized and empowered to build and extend its railroad from some convenient point along the route designated in its charter to some convenient point in the city of Montpelier.

SEC. 2. Said company, wherever it does not use steam as a motive power, or wherever it shall by agreement restrict the movement of its traffic to six miles per hour or less, shall have the right to conduct and operate its railroad, in, through, under or over such streets or highways as may be deemed expedient or necessary, upon such terms and conditions as may be agreed upon with the selectmen of the town, trustees of the village or aldermen of the city in which the respective streets or highways may be situated; in case said company fails to agree with said selectmen, trustees or aldermen, as the case may be, either party may apply to the railroad commissioners and upon such application said commissioners shall give due notice to the parties and decide the questions presented to them and their decision shall be final.

SEC. 3. Said company is hereby authorized to operate its railroad by electric power, and it may acquire by gift or purchase such water power, water rights and privileges as it shall require for the purpose of erecting dams and building reservoirs for the development of electric power, and for pipe lines, transmission

lines and power houses, and other necessary purposes in producing electric power to operate its railroad, and said company may take such lands as shall be required for its right of way wherever the same shall be located outside the highways or streets.

SEC. 4. If said company cannot agree with the owners for the gift or purchase of such lands as it shall require for its right of way and for the construction and operation of its railroad, it may acquire the same under the same procedure and in the same manner as provided by chapter 169 of the Vermont Statutes.

SEC. 5. Said company shall have the right to cross, connect or unite its railroad with any other railroad along its right of way, and if the parties cannot agree as to the compensation therefor or the manner thereof, the same shall be determined as provided by general law, and said company shall have the right to construct and operate such branches from its main lines as its business shall require.

SEC. 6. If said company shall not within two years commence the construction of its railroad then the rights and powers granted by the act shall cease to exist.

SEC. 7. Any town or city may aid in the construction of the Rutland and Woodstock Railroad in the same manner and to the same extent as in the construction of a railroad under the general law.

SEC. 8. Whenever any of the traveled part of the highways or streets is occupied by said railroad, said company shall keep the portion of such highways or streets between its tracks and for a distance of two feet on each side thereof in as good condition for travel in all respects as is the adjacent highway or street and shall build and maintain such portion within its tracks and for two feet on each side thereof of the same material and in the same manner as such adjacent highway or street shall be built and maintained and shall conform as nearly as practicable to the grades that are now or may hereafter be established, and shall so grade the surface of the highways, streets and cross walks within and adjacent to its tracks that persons and vehicles can conveniently cross or turn off from the same.

If said company at any time shall fail to repair its tracks and the highway or street within or adjacent to the same as above required, for the space of ten days after notice from the selectmen of the town or trustees of the village, or aldermen of the city, within their respective limits, then said selectmen, trustees or aldermen, may make such repairs as are required and the town, village or city, as the case may be, may collect the proper expense thereof from said company.

SEC. 9. This act shall take effect from its passage, and shall



No. 206.—AN ACT IN ADDITION TO AN ACT INCORPORATING THE PEOPLES' GAS LIGHT COMPANY OF RUTLAND, APPROVED MARCH 26, 1867.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The People's Gas Light Company of Rutland, may acquire, by lease or purchase, subscription to or purchase of its capital stock or otherwise, and use and operate the works, property, rights and franchises of any company or companies incorporated for the purpose of developing, generating or supplying in Vermont electrical or other power, light, heat or gas for any purpose; and such other company or companies, the holders of two-thirds of its outstanding stock consenting thereto are hereby authorized to transfer their works, property, rights and franchises to said People's Gas Light Company of Rutland as aforesaid. The said People's Gas Light Company of Rutland, the holders of two-thirds of its outstanding stock consenting thereto, may sell and transfer its works, property, rights and franchises to, or may unite and consolidate with, such other company or companies under such name and upon such terms and with such an amount of capital stock not exceeding the aggregate capital stock of the companies so consolidated, as may be agreed upon between them, and the said consolidated company shall thereupon be invested with all the powers, franchises, rights, privileges and immunities of the companies so consolidated, and subject to all the duties and obligations of the same at the time of said consolidation.

SEC. 2. This act shall take effect from its passage, and shall at all times be under the control of the legislature to alter, amend or repeal as the public good may require.

Approved December 11, 1902.

No. 207.—AN ACT TO INCORPORATE THE SPRINGFIELD WATER COMPANY.

Section.

1. Incorporators: powers and privileges.
2. First meeting: by-laws.
3. May hold property of \$100,000 value.
4. Powers of corporation.
5. Statement of lands taken filed in town clerk's office.

Section.

6. Windsor county court on petition shall assess damages: commissioners to hear facts.
7. Mortgage of property.
8. Books for stock subscriptions.
9. Directors: officers.
10. Springfield village may contract with company for water supply.
12. Takes effect Dec. 2, 1902.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. W. D. Woolson, W. H. Cobb, W. W. Brown, F. W. Stiles, George F. Leland, Fred L. Howe, H. H. Blanchard, George Goodhue and Loring N. Farnum, their associates and successors are hereby constituted a body corporate by the name of the Springfield Water Company, for the purpose of furnishing the village of Springfield, and the inhabitants thereof with water for the extinguishment of fires, and for domestic, sanitary and other purposes; in that name may sue and be sued, and to have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force regulating such corporation.

SEC. 2. Any three of said corporators may call the first meeting of the corporation, to be held in the village of Springfield at such time and place as they shall appoint by publishing a notice thereof in the Springfield Reporter at least seven days prior to said meeting, for the purpose of choosing such officers as may be deemed necessary; and said corporation, at any meeting legally warned, may make, alter and repeal such by-laws, rules and regulations as may be deemed necessary, not repugnant to the laws of this state, and may fix the amount of their capital stock, divide the same into shares and provide for the sale and transfer of the same, may levy and collect assessments thereon according to law, and may increase the shares from time to time to an amount sufficient to carry into effect the object of this act, and may fix the rate of rents and collect said water rents when necessary.

SEC. 3. Said corporation may hold real and personal property not exceeding one hundred thousand dollars in value.

SEC. 4. Said corporation may, for the purposes set forth in this act, take by purchase, or otherwise, and hold and convey water rights and waters from any spring or springs, ponds, brook or streams, within the said town of Springfield, and they may also take by purchase or otherwise all the lands, rights of way, and easements necessary for the holding and preserving of such water, and for conveying of the same to any part of said town or village, and may erect or cause to be erected on the lands thus taken or held proper dams, or buildings, fixtures, and other structures and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under and over any land, water courses, railroad, and other public and private ways, and along any such ways in such manner as not to unnecessarily obstruct the same, and for the purpose of constructing and maintaining and keeping in repair such conduits, pipes, and other works, and



be subject to the control of the legislature to alter, amend or repeal as the public good may require.

Approved December 3, 1902.

No. 189.—AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE RUTLAND STREET RAILWAY COMPANY," APPROVED NOVEMBER 13, 1882.

13, 1882.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Rutland Street Railway Company is hereby empowered to purchase, lease, own and hold power, gas and electric light plants, and electric or traction railroads in the state of Vermont, or electric or traction railroads in another state which connect directly with or will when constructed connect directly with its railroads in this state and make a continuous line thereof; with, with the appurtenances, franchises and concessions thereof; and to purchase, hold and control the capital stock, or bonds, or both, of such plants and roads, either in part or in whole, with the right to operate, manage, control, sell and lease such plants and roads and to sell such stock and bonds, and to manufacture and sell in the state of Vermont light, heat, and power; and power is hereby conferred upon said Rutland Street Railway Company to increase its capital stock to any amount which the purposes of the corporation may require, and power is also hereby conferred upon it, and upon any corporation engaged in conducting such plants and roads, the holders of two-thirds of the outstanding stock of said corporations respectively consenting thereto, to unite and consolidate under such name and upon such terms and with such an amount of capital stock not exceeding the aggregate paid up capital stock of the companies so consolidated as may be agreed upon between them; and the said consolidated company shall thereupon be invested and clothed with all the general and special rights, powers, franchises, grants, privileges, immunities and property owned, possessed and enjoyed by any or all of the companies so consolidated, and shall be subject to all the duties and obligations of the same at the time of said consolidation.

SEC. 2. Section 2 of act No. 218 of the laws of 1896, entitled "An Act in Addition to an Act Entitled, an Act to Incorporate the Rutland Street Railway Company," approved Novem-

ber 13, 1882, is hereby amended by adding thereto the following: "and may erect and maintain lines of poles and wires for the transmission of light, power or heat along, over or under the streets and highways in the county of Rutland, subject to the provisions of chapter No. 179 of the Vermont Statutes."

SEC. 3. Section 3 of said act No. 218 of the laws of 1896 is hereby amended by inserting in lieu of the words "for the construction of such railway" in the eighth and ninth lines thereof the words "for the construction and operation of said railway and power plants."

SEC. 4. This act shall not authorize the taking of any water power except by consent of its owner.

SEC. 5. This act shall take effect from its passage and shall at all times be subject to the control of the legislature to alter, amend or repeal as the public good may require.

Approved December 8, 1902.

No. 190.—AN ACT RELATING TO THE RUTLAND AND TIDEWATER RAILROAD CO.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Act number 180 of the laws of 1882 entitled "An Act to Incorporate the Rutland and Tidewater Railroad Company," approved November 18, 1882, and all acts in addition thereto or in amendment thereof are hereby revived and re-enacted, and the organization heretofore made and existing under said act shall be deemed to have continued and to be of the same effect as if made hereunder.

SEC. 2. Section 9 of said Act number 180 of the laws of 1882 is hereby amended so as to read as follows:

Section 9. If said company shall not, on or before the first day of January, 1907, commence the survey and construction of said road and expend at least fifty thousand dollars thereon, and shall not, within ten years thereafter, complete and put in operation said road, so far as practicable, said corporation shall take no benefit of this act and the same shall be null and void, except so far as said road may be completed.

SEC. 3. Section 2 of said Act number 180 of the laws of 1882 is hereby amended by omitting the words "one million" in the first line thereof and inserting in lieu thereof the words "fifty thousand."

SEC. 4. This act shall take effect from its passage.

Approved November 11, 1902.



No. 209.—AN ACT TO INCORPORATE THE WEST RUTLAND WATER WORKS COMPANY.

## Section.

1. Incorporators: may hold property \$50,000 in value.
2. First meeting: by-laws: directors.
3. \$25,000 capital stock: increase of.
4. Powers of corporation: taking of lands.
5. Statement of lands taken filed in town clerk's office.
6. Assessment of damages: appoint-

## Section.

- ment of commissioners: municipality may contract with company for water supply.
7. Mortgage of property.
8. Injury to aqueduct punished.
9. Construction commenced in five years.
10. No. 230 of acts of 1888 repealed.
11. Takes effect Dec. 11, 1902.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Carroll B. Ross, James E. Burke, Reuben W. Ross, Frank A. Morse, James F. Mumford, and Henry J. Markolf, and their associates and successors, are hereby constituted a body corporate by the name of The West Rutland Water Works Company, with all the powers incident to corporations, and may hold real and personal estate not exceeding fifty thousand dollars in value, for the purpose of constructing and maintaining an aqueduct with reservoirs and appurtenances for supplying the inhabitants of the town of West Rutland with pure water for domestic and other purposes and water for the protection of buildings and property against fire.

SEC. 2. Carroll B. Ross is hereby authorized to call the first meeting of said corporation at such time and place as he shall appoint, by giving at least six days' notice thereof to all persons who shall become stockholders in such corporation and at such meeting, or at any other meeting, legally warned for that purpose, said corporation may make, alter and repeal such by-laws, rules and regulations as may be thought necessary, not repugnant to provisions of this act or the laws of this state, and the subscribers then assembled shall organize said corporation by electing not less than three directors, who shall hold their office for one year and until others are elected, and who shall be stockholders in said company.

The directors so elected shall thereupon elect one of their number president of said company, and shall appoint a treasurer and a clerk, and may appoint such other officers and agents as may be required for the transaction of said business.

SEC. 3. The capital stock of said company shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, which may be increased from time to time to such an amount not exceeding fifty thousand dollars as shall be necessary to complete the works of said company and furnish the same with all necessary buildings, furniture, machinery and equipment to meet

the requirements of the business of the said company, together with all rights incident to corporations.

SEC. 4. Said corporation may for the purposes set forth in this act, take by purchase or otherwise the waters from any spring or springs, pond, brooks or streams, within the town of West Rutland, or the waters from any spring or springs, ponds, brooks or streams, flowing or emptying into any of said first described spring or springs, pond, brooks or streams, or so much of the above mentioned waters as may be necessary for supplying the inhabitants of said town for the purposes named in section one of this act; and also all the lands, rights of way, and easements necessary for the holding and preserving of such water and for increasing its supply and preserving its purity and for conveying and distributing the same to any part of said town, and may erect or cause to be erected on the lands thus taken or held, proper dams, buildings, fixtures and other structures and provide for such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under and over any dam, water courses, railroads and other public and private ways and along any such ways in such manner as not unnecessarily to obstruct the same, and for the purpose of constructing and maintaining and keeping in repair such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands and may enter upon and dig up such ways in such manner as to cause the least hindrance to the public travel on such ways, but such ways shall be put by said corporation in as good condition as before.

SEC. 5. Said corporation shall within sixty days after taking of any said lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the town clerk's office of said West Rutland, a description thereof sufficiently accurate for identification with a statement of the purposes for which the same were taken and the amount of damages awarded or tendered for such taking, signed by the president of said corporation.

SEC. 6. Said corporation before entering upon any lands or taking any springs, waters, water rights, rights of way or easements as aforesaid, otherwise than by purchase or agreement with the owner or owners thereof, shall apply by petition to the Rutland county court or to the assistant judges of the said county court for an assessment and award of damages of such proposed entry or taking, which said petition with a notice of the time and place of hearing thereon by said court or judges shall be served upon the owner or owners of said lands, springs, waters, water



rights, rights of way or easements by copy, at least six days before the time set for hearing. And the said court or judges shall appoint three disinterested commissioners to view the premises, to decide upon the necessity and propriety of taking said lands, springs, waters, water rights, rights of way or easements, and assess the damages, who shall give notice to the parties of the time when they will make their investigation and the time and place and when and where they will hear the parties; and on the report of said commissioners the court or judges shall take such action as they may deem proper; and if the tribunal applied to is the said court, judgment shall be rendered on the report and execution shall be issued in the usual way for any damages or costs that may be awarded by the court. But if application is made to the assistant judges of the county court as aforesaid, their approval of and decision upon the report of the commissioners shall be made to Rutland county court which shall have the same powers as when the commissioners were appointed by the judges.

Any municipality or fire district hereafter organized in said town of West Rutland may by vote thereof and acting through its proper officers or agents contract with said West Rutland Water Works Company for water for fire protection, public drinking troughs, or other use, or by agreement with said water company may purchase the franchise, together with all property, real and personal, that may be legally possessed by said company and if the said company and the municipality or fire district cannot agree upon the price to be paid for the franchise and property, application may be made to the Rutland county court and three disinterested commissioners shall be appointed to determine the matter and the proceedings of such persons so appointed and all other procedures for the determining of such matter shall be the same as provided hereinbefore.

SEC. 7. Said corporation shall have the power to sue and to be sued, contract debts, to borrow money and issue their bonds or obligations therefor, and for their security mortgage the property, either real or personal, of said corporation, together with their franchise, which said bonds, mortgages or other obligations, shall be issued in such way and manner, as said corporation shall, by by-laws for that purpose direct, and any mortgage shall be recorded in the town clerk's office in said West Rutland, and shall be binding on said company.

SEC. 8. Any person who shall maliciously disturb or injure said aqueduct, springs or reservoirs, or any enclosure of the same, shall be liable to prosecution by complaint, information or indictment, and on conviction shall be fined not less than five nor more

than twenty dollars and costs of prosecution, and shall be further liable to said corporation for all damages thereby sustained.

SEC. 9. If said corporation shall not within five years complete and put in operation the said water works, then this act shall cease to be operative.

SEC. 10. No. 230 of the Acts of 1888 is hereby repealed.

SEC. 11. This act shall take effect from its passage.

Approved December 11, 1902.

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No. 210.—AN ACT IN AMENDMENT OF AND ADDITION TO ACT NUMBER 76 OF THE LAWS OF 1865, ENTITLED "AN ACT TO INCORPORATE THE WINOOSKI AQUEDUCT COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 1 of Act No. 76 of the Laws of 1865 entitled "An Act to Incorporate the Winooski Aqueduct Company," is hereby amended by striking out the word "fifteen" and inserting in lieu thereof the words "seventy-five."

SEC. 2. Section two of said act is hereby amended by adding thereto the following: "Its capital stock shall not exceed the sum of fifty thousand dollars."

SEC. 3. This act shall take effect from its passage.

Approved November 4, 1902.



No. 246.—AN ACT TO INCORPORATE THE RUTLAND  
YOUNG MEN'S CHRISTIAN ASSOCIATION.

## Section.

1. Incorporators: powers and privileges.
2. No capital stock.
3. Trustees.
4. Term of office of trustees.

## Section.

5. Railroad Y. M. C. A. to have no right in property of this corporation.
6. Takes effect Dec. 9, 1902.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. J. B. Hollister, H. F. Field, W. R. Kinsman, S. M. Willson, W. B. Clauson, A. G. Coolidge, George T. Chaffee, R. C. Gilmore, A. H. Keyes, and John A. Mead, all of the city of Rutland and the county of Rutland, their associates and successors, are hereby constituted a corporation by the name of "The Rutland Young Men's Christian Association"; and by that name may sue and be sued, may have perpetual succession, may receive subscriptions, donations, and bequests of money and other property, real and personal; may hold, manage, control and expend the same, and may erect, finish, furnish, control and manage a building or buildings, which said buildings and real estate used for the purposes of the Rutland Young Men's Christian Association shall be exempt from taxation; and this corporation shall have all the powers incident to corporations, and may borrow money to carry on its building operations and may secure such loans by mortgage upon its real and personal estate.

SEC. 2. Said corporation shall have no capital stock and shall consist of the persons hereinbefore named and their successors.

SEC. 3. The persons hereinbefore named are hereby constituted the trustees of said corporation, with full power to manage, control and direct the same, and to enact such by-laws not inconsistent with the laws of this state, as may be thought necessary.

SEC. 4. The said trustees shall elect their successors, the number and term of office of whom shall be fixed by the by-laws of said corporation, and said trustees shall hold office until their successors are elected, or until their removal from the city of Rutland. If at any time the number of said trustees shall be reduced to less than two, the board of managers of the City and Railroad Young Men's Christian Association of the city of Rutland, an organization for charitable and religious purposes, shall fill all the vacancies upon such board of trustees.

SEC. 5. Neither the City and Railroad Y. M. C. A. of the city of Rutland nor its successors, shall have any property right

in the real or personal property of this corporation except such use as may be assigned to it.

SEC. 6. This act shall take effect from its passage.

Approved December 9, 1902.

No. 247.—AN ACT TO INCORPORATE CLAN GORDON,  
NO. 12.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The chief, pass chief, tanist, chaplain, secretary, financial secretary, treasurer, senior henchmen, junior henchmen, seneschal, warder, sentinel, trustees, and physician of Clan Gordon, No. 12, of the Order of Scottish Clans elected according to the constitution and by-laws of the subordinate clans of the Order of Scottish Clans, and their successors in office, shall have corporate powers with perpetuity for the purpose of acquiring by purchase, or gift, and holding and demising real and personal estate, and the erection, maintenance, and furnishing of buildings thereon for the use and benefit of said Clan Gordon, No. 12, and its charitable purposes, and may sue and be sued in the name of Clan Gordon, No. 12.

SEC. 2. Said chief, pass chief, tanist, chaplain, secretary, financial secretary, treasurer, senior henchmen, junior henchmen, seneschal, warder, sentinel, trustees, and physician, by unanimous consent, or when empowered so to do by a majority vote of said Clan Gordon, No. 12, present and voting at any regular or special meeting thereof, may sell, mortgage and convey, any or all of the real or personal estate held by them for the purposes aforesaid.

SEC. 3. So long as the income or use of said building is devoted to the benefit of said Clan Gordon, No. 12, and its charitable purposes, said property that it may acquire shall be exempt from taxation.

SEC. 4. This act shall take effect from its passage.

Approved November 20, 1902.



of the corporation; but such capital stock may be issued in payment for any property deemed necessary for the business of the corporation, and the stock so issued shall be full paid stock and not liable to further call; no debts shall be contracted by the corporation exceeding in amount three-fourths of the capital stock actually paid in; and a director assenting to the creation of an indebtedness exceeding such amount, shall be personally liable for the excess.

SEC. 6. This act shall take effect from its passage.

Approved November 15, 1902.

No. 277.—AN ACT TO INCORPORATE THE VERMONT  
INTERNAL IMPROVEMENT COMPANY.

Section.

1. Subscribers to capital stock made body politic and corporate: powers.
2. \$100,000 capital stock: by-laws: office.
3. Increase of capital stock: subscriptions to stock.

Section.

4. Powers of corporation.
5. Any other similar corporation may transfer property to this corporation.
6. Mortgage of property.
7. Public act.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The subscribers to the capital stock of the corporation hereby established and their successors, associates and assigns are hereby constituted a body politic and corporate to be known as the Vermont Internal Improvement Company and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in any court whatever, have and use a common seal and alter the same at pleasure and have all the rights and privileges incident to corporations and generally may do all acts and things necessary or proper to carry into effect the provisions of this act consistent with the laws of the state.

SEC. 2. The capital stock of said corporation shall be not less than one hundred thousand dollars, divided into shares of one hundred dollars each. Subscriptions to the capital stock may be received by George T. Chaffee, William R. Page, Frank C. Partridge, Fred M. Butler and Charles H. West, commissioners hereby appointed for that purpose, or by a majority of them at such times and places, with such notice, as they or a majority of them may appoint, and deem best; and as soon as the minimum capital stock has been subscribed, the said subscribers may organize as a corporation and proceed to transact business. The cor-

poration may adopt such by-laws and regulations for the transaction of its business and the disposition of its stock and property as it shall deem advisable. The principal office of the corporation shall be in the city of Rutland, Vermont.

SEC. 3. Said corporation shall have power from time to time to increase its capital stock to such an amount as the purposes of the corporation may require by a vote of the majority in interest of the capital stock outstanding. The capital stock of said corporation may be issued as part common and part preferred stock in such proportions as the directors may determine. Subscriptions to the capital stock of the corporation may be payable in money or property or in the paid-up capital stock of other corporations of a like character or engaged in conducting any business which may be carried on by this corporation upon such terms and conditions as may be agreed upon and stock so issued shall be deemed and taken to be full paid stock and shall not be liable to assessment.

SEC. 4. Said corporation is hereby empowered to purchase, own and hold power, gas and electric light plants, and electric or traction railroads in the state of Vermont, or charters therefor, or electric or traction railroads which connect directly with, or will when constructed connect directly with its railroad in said state and make a continuous line therewith, with the appurtenances connected therewith and the franchises and concessions thereof; and to purchase, hold and control the capital stock or bonds or both of such plants and roads, either in part or in whole, with the right to operate, manage, control, sell and lease such plants and roads and to sell such stock and bonds and to manufacture and sell in the state of Vermont light, heat and power by any method, principle or appliance now known or hereafter discovered; and to manufacture, purchase, sell or lease all apparatus, appliances, fixtures and supplies used in connection therewith; and to purchase, lease, use and sell any property, rights and privileges necessary, convenient or suitable for any of the purposes of its business.

SEC. 5. Power is hereby conferred upon any corporation engaged in conducting any business for which this company is incorporated or in which it is permitted to engage, the holders of two-thirds of its outstanding stock voting therefor or consenting in writing thereto, to transfer by sale or lease its works, properties, franchises, rights, privileges and immunities to the company hereby incorporated or to unite and consolidate with it, under such name and upon such terms as may be agreed upon between them.

SEC. 6. Said corporation may dispose of the whole or any part of its property, however acquired, by sale, lease or otherwise.



It shall have the right and power to borrow money and to issue its bonds and obligations therefor, and secure the payment of the same by mortgage of the whole or any part of its property and franchises, to an amount not exceeding its paid up capital stock.

SEC. 7. This act shall be deemed and taken to be a public act and shall be construed favorably and beneficially for all the purposes for which it is granted; and shall be subject to further legislation to amend, alter or repeal as the public good may require and shall take effect from its passage.

Approved December 11, 1902.

### No. 278.—AN ACT INCORPORATING THE PROSPECT PARK COMPANY.

#### Section.

1. Incorporators: acquisition of property.
2. Office at Burlington.
3. \$10,000 capital stock: increase of.
4. By-laws.

#### Section.

5. Directors: officers.
6. Disposition of real estate.
7. First meeting.
8. Takes effect Dec. 2, 1902.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Henry Holt, Roland Holt and F. T. Holt of the city, county and state of New York, and Albert G. Whittemore and Josiah W. Votey, of Burlington, Vermont, together with such persons as shall hereafter become stockholders, are hereby incorporated under the name of "Prospect Park Company," for the purpose and with the right of acquiring, by gift or purchase, real estate in the city of Burlington and the town of South Burlington, in Chittenden county in the state of Vermont, preserving or improving its natural scenery and converting the same, or portions thereof, into public or private parks, or lots and sites for residential purposes; and by that name may contract, sue and be sued, purchase, hold, lease, and convey property, real, personal or mixed, to an amount not exceeding one hundred and fifty thousand dollars in value, and may mortgage the same or any portion of its said property, and may have a common seal, and all the rights and privileges of a corporation.

SEC. 2. Said corporation shall be located in the city of Burlington in said Chittenden county, where its principal office shall be kept.

SEC. 3. The capital stock of said company shall be ten thousand dollars, and may be increased to any amount necessary

for the purposes herein contemplated, not however to exceed the sum of one hundred thousand dollars; the same to be divided into shares of one hundred dollars each,—shall be deemed personal property and shall be transferable in such manner as said company, by its by-laws, shall direct, but no transfer of such stock shall be valid, until recorded in a book kept for that purpose, by the secretary or treasurer of said company, or in their absence, by one of its directors.

SEC. 4. Said corporation may adopt such by-laws and regulations, not inconsistent with the laws of this state, as it may deem expedient, for the government of its officers and members.

SEC. 5. The affairs of said corporation shall be managed by a board of not less than five directors in number who shall be elected annually in such manner as is prescribed in the by-laws of the company; and said board of directors shall annually appoint from their number, a president, vice-president, secretary and treasurer, who shall serve for one year and until their successors are appointed.

SEC. 6. Said corporation may lease, sell or convey any part or portion of its real estate for residential or any other purposes whatsoever, and shall have power to borrow money and issue its notes or bonds therefor, to an amount not exceeding three-fourths of the value of its property and franchise, and upon a vote of its stockholders, may mortgage its property and franchise to secure the payment of said notes or bonds.

SEC. 7. The first meeting of said corporation shall be held in said city of Burlington, at such time and place as may be designated by a majority of incorporators, for the purpose of organization and the election of directors, and at least six days' personal notice of such meeting shall be given to each of the incorporators, by said Henry Holt, and in case of his failure for any cause, to give said notice, then the notice of such meeting may be given by any of the other incorporators.

SEC. 8. This act shall be under the control of the legislature, to alter, amend, or repeal, as the public good may require, and shall take effect from its passage.

Approved December 2, 1902.



*Probate Court*

# ACTS AND RESOLVES

PASSED BY THE

## GENERAL ASSEMBLY

OF THE

## STATE OF VERMONT

AT THE

### EIGHTEENTH BIENNIAL SESSION

1904

Session Commenced Oct. 5; Adjourned Dec. 10



PUBLISHED BY AUTHORITY

BURLINGTON:  
FREE PRESS ASSOCIATION  
1904

**Acts & Resolves 1904**



## CORPORATIONS.

No. 194.—AN ACT IN ADDITION TO NO. 235 OF THE ACTS OF 1894, ENTITLED, "AN ACT TO INCORPORATE THE HARDWICK AND WOODBURY RAILROAD COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Hardwick and Woodbury Railroad Company is hereby authorized to extend its railroad from time to time to such points within the towns of Hardwick and Woodbury as the public good, the business of said company, and the accommodation of quarrying and other manufacturing interests may require; and to that end may construct all necessary spurs, extensions, and side tracks, and operate the same according to the provisions of its act of incorporation; and may purchase the lands necessary for the construction of such spurs, extensions, and side tracks, or take the same in the manner hereinafter provided.

SEC. 2. When said company has failed to acquire the lands or rights of way necessary for the construction of such spurs, extension or side tracks by gift or purchase, it may cause the same to be surveyed and furnish a copy thereof to the owner, if a resident of the state, otherwise to his agent or attorney, or to the occupant of the land, and thereupon apply by petition in writing to the board of railroad commissioners, who, after due notice and hearing, shall first adjudge whether the taking of said lands or rights of way is necessary. If found to be necessary, they shall award damages for such taking and allow costs of hearing as they shall deem just.

When such award has been made, the commissioners shall notify the railroad company and the owner or his agent or attorney, or the occupant of the land, of the amount thereof, and cause such survey and their award in the premises to be recorded in the town clerk's office of the town where said property is located. Upon payment or tender of the award by the company it may enter upon and use and occupy said land.

SEC. 3. If said company, or the owner of said land, is dissatisfied with the award of the railroad commissioners as to damages, either party may, within twenty-one days after the date of notice of the award, appeal by petition to the county court of Caledonia county for re-assessment of damages; and said court shall thereupon appoint three commissioners who shall proceed according to the provisions of the statutes as to re-assessment of damages in highway cases. The decision of the court upon the report of the commissioners shall be final, and costs may, in the discretion of the court, be allowed to either party. Such appeal shall not delay the construction of such spurs, extensions or side tracks.

SEC. 4. This act shall take effect from its passage.  
Approved December 9, 1904.

No. 195.—AN ACT TO AMEND NO. 176 OF THE ACTS OF 1898, ENTITLED "AN ACT TO INCORPORATE THE MONTPELIER AND NORTHERN TRACTION COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section five of No. 176 of the acts of 1898 entitled "An act to incorporate the Montpelier and Northern Traction Company" is hereby amended to read as follows:

"Section 5. Said company shall not commence the construction of its road until fifty per cent par value of the stock subscribed for as provided in section 3 is paid in, and if said company shall not within ten years commence the construction of its road this act shall be void."

SEC. 2. This act shall take effect from its passage.  
Approved December 8, 1904.

No. 196.—AN ACT TO AMEND NUMBER 187 OF THE ACTS OF 1902, ENTITLED "AN ACT TO AMEND THE CHARTER OF THE RUTLAND RAILROAD COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section two of number 187 of the acts of 1902 is hereby amended so as to read as follows:



Section 2. All vacancies in the board of directors shall be filled by the remaining directors in said board at any meeting duly called for that purpose.

SEC. 2. This act to take effect on its passage.

Approved December 8, 1904.

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No. 197.—AN ACT TO AMEND NUMBER 194 OF THE ACTS OF 1902 ENTITLED "AN ACT RELATING TO THE EXTENSION OF THE WHITEHALL AND GRANVILLE RAILROAD IN THE STATE OF VERMONT."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Sections nine and fifteen of number 194 of the acts of 1902 are hereby amended to read as follows:

Section 9. Said company may also construct and operate its railroad without the limits of the highways at such points as may be reasonably necessary, taking the lands needed therefor, but in all cases, where damage is done by taking such lands, due compensation shall be made to the owner thereof for lands heretofore, as well as lands hereafter taken. If said company and owner of such lands so taken shall fail to agree as to the amount of damage sustained on account of the taking of such lands, or if said company fail to acquire, by gift or purchase, such real estate or right of way, as the business of said company may require, it may enter upon and take the lands of the person for the use and purpose of its railroad, but it shall cause the same to be surveyed and furnish a copy thereof to the owner or agent of said estate, and thereupon either party in interest may make written application to the railroad commissioners of the state of Vermont, who after due notice and hearing shall first adjudge whether the taking of such estate is necessary for the construction and operation of said railway; if found to be necessary, they shall appraise the same and award the cost of hearing as they may deem just, and before said company shall take possession thereof it shall pay or tender said award. Upon such payment or tender being made, said railroad commissioners shall cause such survey, their decision in the premises and the receipt or certificate of payment or tender, as aforesaid, to be recorded in the town clerk's office where such real estate and property is located, and thereupon said company may enter upon, use and convey such land.



Section 8. Certificates of nominations for officers to be filled at city meetings may be filed with the city clerk not less than six and not more than fifteen days before such meeting and such nominations may be withdrawn in the manner provided by general law, if done at least four days before such city meeting, and the lists of candidates so nominated shall be posted in the manner provided by general law at least four days before such meeting.

SEC. 2. Section 30 of said act is amended so as to read as follows:

Section 30. It shall be the duty of the city treasurer, upon the receipt of any rate bill, as hereinafter provided for to post notices in at least three public places in said city and to publish the same for one week in two newspapers published in said city, calling upon the taxpayers to pay their respective taxes within thirty days from the date of said notice and to receive all taxes paid to him. Thirty days before the issuance of a warrant against the person or property of a non-resident taxpayer, the treasurer shall give such non-resident notice in writing of the tax, the amount thereof and the time within which the same can be paid to the treasurer, by delivering the same to him or mailing it to his last and usual place of abode. At the expiration of said thirty days the said treasurer shall issue his warrant against the delinquent taxpayers for the amount of their unpaid taxes, which warrant shall remain in full force until all the taxes thereon are either collected, abated or have become outlawed and shall deliver such warrant, together with the rate bill of such delinquent taxes, to the city sheriff.

SEC. 3. This act shall take effect from its passage.

Approved November 16, 1904.

No. 224.—AN ACT TO GRANT PERMISSION TO THE CITY OF MONTPELIER TO ERECT A MONUMENT TO THE MEMORY OF SOLDIERS AND SAILORS OF VERMONT.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Permission is hereby granted for the erection of a monument to the memory of the soldiers and sailors of Vermont in the service of the United States of America, on the state house grounds, the location to be fixed and the monument to be

approved by the governor and to be erected without any expense to the state by the city of Montpelier or by popular subscription.

SEC. 2. Nothing in this act shall extend the powers or authority of the city of Montpelier as established by charter.

SEC. 3. This act shall take effect from its passage.

Approved December 10, 1904.

No. 225.—AN ACT TO ENABLE THE CITY OF RUTLAND TO OBTAIN, BUILD AND EQUIP A CITY HALL, AND TO ISSUE BONDS FOR THAT PURPOSE.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The city of Rutland in the county of Rutland and state of Vermont is hereby authorized and empowered by and with the consent of a majority of the legal voters of said city voting, at the regular annual meeting of said city or at a meeting legally warned for that purpose, purchase a proper site for, and build, own and equip a city hall building for public uses in said city and to issue bonds with or without coupons attached bearing interest at the rate of not more than 4 per cent. per annum, payable not more than thirty years from date thereof, to an amount not exceeding \$75,000 for that purpose. Special meetings may be called in the same manner as is now provided by law for calling of special meetings for other purposes.

SEC. 2. Said bonds shall be signed by the mayor, and countersigned by the treasurer of said city, and if interest coupons are attached they shall be signed by the treasurer; and said bonds shall contain a statement that they were issued for the purpose mentioned, and in conformity with the provisions of this act, and such statement shall be conclusive evidence of the same, and of said city's liability to pay said bonds in an action by a person who in good faith holds them.

SEC. 3. The treasurer of said city shall keep a record of every bond issued under the provisions of this act, therein stating the number and denomination of each bond, when and where payable, to whom issued, and the rate of interest thereon; and also shall keep a record of payments of interest and principal, and if any coupons are taken up, shall deface the same.

SEC. 4. This act shall take effect from its passage.

Approved November 16, 1904.



No. 226.—AN ACT REPEALING No. 164 OF THE ACTS OF 1900 AND No. 229 OF THE ACTS OF 1902, RELATING TO A BOARD OF PUBLIC WORKS FOR THE CITY OF ST. ALBANS, VT.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Act No. 164 of the acts of 1900 entitled "An act creating a board of public works for the city of St. Albans and authorizing an issue of bonds," and No. 229 of the acts of 1902 entitled "An act in amendment of and re-enacting No. 164 of the acts of 1900 creating a board of public works and authorizing an issue of bonds for the city of St. Albans," are hereby repealed.

SEC. 2. This act shall take effect from its passage.

Approved December 8, 1904.

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No. 227.—AN ACT AMENDING THE CITY CHARTER OF THE CITY OF ST. ALBANS, RELATING TO THE ELECTION OF LISTERS AND AUDITORS IN SAID CITY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 7 of the city charter of the city of St. Albans is hereby amended by inserting in the 9th and 10th lines thereof, after the words "duly elected and qualified," the following: Except in the case of listers and auditors who shall hereafter be elected as follows: at the annual March meeting 1905, the city shall elect three listers for the term of one, two, and three years respectively, and shall also elect three auditors for the term of one, two, and three years respectively, and one member of each of said boards shall be elected at each and every March meeting of said city thereafter to serve for the term of three years, or until their successors are duly elected and qualified.

Approved December 8, 1904.



SEC. 5. Every proprietor of a lot in said cemetery, or if there be more than one proprietor of such lot, then such one of said proprietors as a majority of the joint owners shall designate to represent them, may meet at the meeting of the corporation, and every proprietor shall be entitled to cast one vote for each lot that he owns or represents.

SEC. 6. The trustees of the corporation shall have the power to receive by gift or otherwise money in trust, which with any other funds received by them under the provisions of this act, shall be invested by them in the manner and upon the same securities as savings banks, saving institutions and trust companies are now, or may hereafter be authorized by law to make investments and not otherwise. And said trustees shall make an annual report of such funds showing the manner in which the same is invested, the income therefrom and manner in which it has been applied.

SEC. 7. Each proprietor or owner of a lot shall be deemed to hold the same in fee simple to him or her and their heirs forever to use said lot for the burial of the dead and for no other purpose whatsoever, always subject to such restrictions and regulations as the trustees may from time to time adopt.

SEC. 8. The trustees may assess a tax upon the lot holders not to exceed two dollars in any one year, and if any holder refuses to pay the tax assessed, after thirty days' notice thereof, the trustees may sue and collect the same with costs.

SEC. 9. The proceeds from the sale of lots in said cemetery and from the assessment of taxes shall be applied to the payment of any debt incurred by the corporation in the purchase and care of said grounds and property, in fencing, improving, and embellishing the walks and avenues therein, and for no other purpose whatsoever.

SEC. 10. The corporation may take land for burial purposes and for the enlargement of said grounds; if unable to agree with the owner of the land required for such purposes aforesaid, it may acquire said lands in the manner prescribed in sections 3612 to 3618 inclusive of the Vermont Statutes.

SEC. 11. The land now owned or hereafter acquired by the corporation hereby created shall be surveyed and laid out in lots, avenues, walks, alleys and areas of such size and form as the trustees shall direct and a map or maps shall be made and filed with the secretary of the association and a copy of said map or maps and surveys shall be filed in the town clerk's office in the town of Milton, and the records of the existing cemetery association heretofore made shall become a part of the records of this corporation and all business which has been transacted and re-

corded shall be as valid, as business hereafter done by this corporation.

SEC. 12. This act shall take effect on the day of the acceptance of its provisions by the existing West Milton Cemetery Association at the meeting provided in section two of this act and shall be subject to further legislation to alter or repeal.

Approved December 1, 1904.

# No. 294.—AN ACT TO INCORPORATE THE AMERICAN TRUST COMPANY.

Section.		Section.
1. Subscribers to stock made a corporation.	a	9. Shares transferable under regulations.
2. \$25,000 capital stock, increase.		10. Powers of corporation.
3. Commissioners, allotment of stock.		11. By-laws.
4. Stockholders' meeting, list of stockholders.		12. Organization.
5. Each share has one vote.		13. Compensation for care of trust property.
6. 50 per cent paid in before business commenced, payment for stock.		14. Assessment.
7. Directors, term of office, vacancies.		15. General law applicable.
8. Election of directors held on any other day.		16. Takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The subscribers to the capital stock of the corporation hereby established, and their successors and assigns are constituted a corporation and body politic, by the name of the American Trust Company; and by that name may sue and be sued, may have a common seal and the same may alter at pleasure; and shall have and enjoy all the privileges incident to corporations, and said Trust Company shall be established in the city of Rutland, in the county of Rutland.

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same from time to time to an amount not exceeding one hundred thousand dollars by a vote of a majority of the whole capital stock at a meeting of stockholders called for that purpose, and shall be divided into shares of the par value of one hundred dollars each, to be paid in at such times and in such manner as the board of directors may direct.

SEC. 3. Charles Clark, Fred C. Spencer, F. M. Butler, E. E. Keyes, John A. Mead, W. R. Kinsman, W. C. Landon, or a majority of them, are appointed commissioners for receiving subscriptions for shares in the capital stock in said corporation



and they shall open books for that purpose at city of Rutland within two years after the passage of this act, notice of which opening shall be published in a newspaper printed in Rutland county three weeks in succession, the last of which shall not be more than two weeks previous to the day fixed by the commissioners, and said notice shall be signed by a majority of said commissioners. The said commissioners shall be sworn to the faithful performance of their duties, and such books shall continue open from ten o'clock a. m. till four o'clock p. m., each day for the space of five days, Sundays excepted, and thereafter until two hundred and fifty shares shall be subscribed for, and the subscribers shall at the time of subscribing deposit with the commissioners ten dollars on each share by them subscribed for. The commissioners, in case that more than the whole amount of the capital stock is subscribed for, shall allot and distribute the same among the subscribers in such manner as they may deem most for the interest of all concerned; and if there shall be any increase in the capital stock of said corporation as herein provided, the said increase shall be divided among the then stockholders pro rata if they will accept the same, and in case the whole of such increase is not then distributed the surplus may be divided among the then stockholders of said corporation, who will receive and pay for the same in proportion to the amount of stock held by them, or in such other manner as the board of trustees shall determine.

SEC. 4. Said commissioners shall, upon the whole amount of stock being subscribed for, or as soon after as they shall think proper, not exceeding sixty days, call a meeting of the stockholders of said corporation at such place in Rutland as they shall think proper, by publishing a notice thereof signed by a majority of them, in a weekly newspaper printed in Rutland county three weeks successively previous to such meeting, for the purpose of electing directors of said corporation; and said commissioners shall deliver to said directors of said corporation when elected, and within ten days after they shall enter upon the duties of their office, a list of all the names of persons entitled to shares in said corporation, and the number of shares to which each is entitled, and the sum by each deposited with them, and also the moneys received by them on deposit on said shares; which list the said directors shall cause to be recorded in the books of said corporation and thereupon issue certificates to such subscribers for their stock.

SEC. 5. Each share of stock shall entitle its holder to one vote at all meetings of the stockholders, who may vote in person or by proxies duly authorized in writing.

SEC. 6. The corporation shall not commence business until at least fifty per cent. of the whole capital stock shall have been paid into said corporation. After the shares shall have been distributed and allotted, each stockholder shall pay the whole amount remaining due on shares so held by him, at such time or times as the board of directors shall appoint, of which at least ten days' notice shall be given to each subscriber by mail and publishing the same in some newspaper published in Rutland county, and the shares of each stockholder omitting to make such payment shall be forfeited together with all previous payments made thereon, provided that the whole of said capital shall be actually paid in within two years from the date of the organization of the corporation.

SEC. 7. The business of said corporation shall be managed by not less than seven nor more than fifteen directors, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in said corporation each to the amount of at least one thousand dollars, and shall be inhabitants of this state. Such directors shall be elected annually at such time and place as the by-laws of such corporation shall provide, and shall, except those first elected who shall hold until their successors are elected and qualified, hold their offices for one year from the time of their election and until their successors are elected and qualified. Public notice of each meeting of the stockholders of this corporation for the election of said directors, shall be given by publication in a newspaper, printed in Rutland county, at least two weeks successively next preceding such election; all such elections shall be by ballot by the stockholders of said corporation who shall be present at said meeting in person or by proxy, and the several persons who shall receive the greatest number of votes at such election shall be directors; and if any two or more persons shall receive an equal number of votes, so that more than the required number of persons shall by a plurality of votes appear to be elected, the stockholders shall proceed to ballot a second time, and by a plurality of votes determine which of such persons, so having an equal number of votes shall be directors; and in case any vacancy happens by death, resignation, or otherwise, the vacancy shall be filled from among the stockholders by a majority of the remaining directors. After their election the directors shall elect from among their number, a president and vice-president.

SEC. 8. If the election of directors shall not be made on the day herein prescribed, said corporation shall not thereby be dissolved, but a meeting for the election of directors may be held on any day under such regulations as shall be prescribed by the by-laws of said corporation.



SEC. 9. The shares of said corporation shall be transferred only in such manner and under such regulations as shall be prescribed by the by-laws of the corporation; provided no transfer shall be valid until recorded by the treasurer, or, in his absence, by one of the directors, in a book for that purpose. Said corporation shall have a lien upon the stock of each stockholder for any indebtedness, direct or indirect, of such stockholder to itself, subject to sale as property is sold under a conditional vendor's lien, and it may refuse to transfer the shares of such stockholder until such indebtedness is satisfied, provided said corporation has given notice of its rights so to do, as required by section 3688 of the Vermont Statutes.

SEC. 10. The corporation hereby created shall also have power:

1. To receive moneys on deposit or in trust, at such rate of interest or on such terms as may be agreed upon, the rate of interest to be allowed for deposits not exceeding the legal rate.

2. To accept and execute all such trusts of every description, and not inconsistent with the laws of this state, as may be committed to it by any person or persons whomsoever, or by any corporation, or by any order of the supreme court, probate court or other court of record in this state.

3. To take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate, on trusts created in accordance with the laws of this state, and execute such legal trusts on such terms as may be declared, established or agreed upon, and in case no terms are declared, established or agreed upon, then the trust property is only to be invested as provided by the terms of this act.

4. To accept deposits where public officers or municipal or private corporations are authorized or required by law to deposit money in a bank, and such deposit may be made by such officers or corporations in and with the said American Trust Company.

5. To issue letters of credit upon such terms as may be agreed upon by the directors.

6. To act as agents for the purpose of issuing, registering and countersigning the certificates of stock or other evidences of debt of any corporation, association, municipality, state or public authority, and for the collection of interests and dividends on the same on such terms as may be agreed upon.

7. To purchase and sell stocks, bonds, mortgages and other evidences of indebtedness.

SEC. 11. The directors of said corporation may make such by-laws and regulations as they may deem necessary and proper, not inconsistent with this act, or the laws of this state.

SEC. 12. Said corporation shall organize within two years from the passage of this act.

SEC. 13. Said corporation shall be allowed as compensation for the care of trust property, the investment and collection of the same, and for other services rendered in the execution of such trust, such sum as shall be agreed upon; and in the absence of any agreement, such compensation as is fixed by the by-laws or regulations of said corporation in force at the time such trust is executed.

SEC. 14. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment; and no dividends shall be made or declared upon the capital stock of said corporation until the same are actually earned and realized over and above all losses and expenses.

SEC. 15. This corporation shall, except as herein provided, be subject to the provisions of law applicable to trust companies, and also to all general laws which may hereafter be enacted in relation to trust companies; and the general assembly may at any time hereafter modify or repeal this act or any part thereof.

SEC. 16. This act shall take effect from its passage.  
Approved December 7, 1904.

No. 295.—AN ACT IN AMENDMENT OF NUMBER 203  
ACTS OF 1900, AS AMENDED BY NUMBER 258,  
ACTS OF 1902, EXTENDING THE CHARTER OF  
THE BLACK RIVER TRUST COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The provisions of number 203, acts of 1900, entitled "An act to incorporate the Black River Trust Company," as amended by number 258, acts of 1902, are hereby extended for two years from November 27, 1904.

SEC. 2. This act shall take effect from its passage.  
Approved October 27, 1904.



No. 302.—AN ACT TO INCORPORATE THE RUTLAND COUNTY TRUST COMPANY

Section.	Section.
1. Incorporators, powers, location.	9. Transfer of shares.
2. \$25,000 capital stock, increase of.	10. Powers of corporation.
3. Commissioners, allotment of stock.	11. By-laws.
4. Stockholders' meeting, list of stockholders.	12. Organization.
5. Each share has one vote.	13. Compensation for care of trust property.
6. 50 per cent paid before business commenced, payment for stock.	14. Assessment.
7. Directors.	15. Subject to general law.
8. Election of directors held on any other day.	16. Takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The subscribers to the capital stock of the corporation hereby established, and their successors and assigns are constituted a corporation and body politic, by the name of the Rutland County Trust Company; and by that name may sue and be sued, may have a common seal and the same may alter at pleasure, and shall have and enjoy all the privileges incident to corporations, and said Rutland County Trust Company shall be established in the city of Rutland, in the county of Rutland.

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same from time to time to an amount not exceeding one hundred thousand dollars, by a vote of a majority of the whole capital stock at a meeting of stockholders called for that purpose, and shall be divided into shares of the par value of one hundred dollars each, to be paid in at such times and in such manner as the board of directors may direct.

SEC. 3. William Y. W. Ripley, E. C. Lewis, E. McIntyre, W. F. Burditt, R. L. Richmond, R. A. Lawrence, Henry F. Field, or a majority of them, are appointed commissioners for receiving subscriptions for shares in the capital stock in said corporation and they shall open books for that purpose at city of Rutland within two years after the passage of this act, notice of which opening shall be published in a newspaper printed in Rutland county three weeks in succession, the last of which shall not be more than two weeks previous to the day fixed by the commissioners, and said notice shall be signed by a majority of said com-

missioners. The said commissioners shall be sworn to a faithful performance of their duties, and such books shall continue open from ten o'clock a. m. till four o'clock p. m. each day for the space of five days, Sundays excepted, and thereafter until two hundred and fifty shares shall be subscribed for, and the subscribers shall at the time of subscribing deposit with the commissioners ten dollars on each share by them subscribed for. The commissioners, in case that more than the whole amount of the capital stock is subscribed for, shall allot and distribute the same among the subscribers in such manner as they may deem most for the interest of all concerned; and if there shall be any increase in the capital stock of said corporation as herein provided, the said increase shall be divided among the then stockholders pro rata if they will accept the same, and in case the whole of such increase is not then distributed the surplus may be divided among the then stockholders of said corporation, who will receive and pay for the same in proportion to the amount of stock held by them, or in such other manner as the board of trustees shall determine.

SEC. 4. Said commissioners shall, upon the whole amount of stock being subscribed for, or as soon after as they shall think proper, not exceeding sixty days, call a meeting of the stockholders of said corporation at such place in the city of Rutland as they shall think proper, by publishing a notice thereof signed by a majority of them, in a weekly newspaper printed in Rutland county three weeks successively previous to such meeting, for the purpose of electing directors of said corporation; and said commissioners shall deliver to said directors of said corporation when elected, and within ten days after they shall enter upon the duties of their office, a list of all the names of persons entitled to shares in said corporation, and the number of shares to which each is entitled, and the sum by each deposited with them, and also the moneys received by them on deposit on said shares; which list the said directors shall cause to be recorded in the books of said corporation and thereupon issue certificates to such subscribers for their stock.

SEC. 5. Each share of stock shall entitle its holder to one vote at all meetings of the stockholders, who may vote in person or by proxies duly authorized in writing.



SEC. 6. The corporation shall not commence business until at least fifty per cent. of the whole capital stock shall have been paid into said corporation. After the shares shall have been distributed and allotted, each stockholder shall pay the whole amount remaining due on shares so held by him, at such time or times as the board of directors shall appoint, of which at least ten days' notice shall be given to each subscriber by mail and publishing the same in some newspaper in Rutland county, and the shares of each stockholder omitting to make such payment shall be forfeited together with all previous payments made thereon, provided that the whole of said capital stock shall be actually paid in within two years from the date of the organization of the corporation.

SEC. 7. The business of said corporation shall be managed by not less than seven nor more than fifteen directors, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in said corporation each to the amount of at least one thousand dollars, and shall be inhabitants of this state. Such directors shall be elected annually at such time and place as the by-laws of such corporation shall provide, and shall, except those first elected, who shall hold until their successors are elected and qualified, hold their offices for one year from the time of their election and until their successors are elected and qualified. Public notice of each meeting of the stockholders of this corporation for the election of said directors, shall be given by publication in a newspaper printed in Rutland county, at least two weeks successively next preceding such election; all such elections shall be by ballot by the stockholders of said corporation who shall be present at said meeting in person or by proxy, and the several persons who shall receive the greatest number of votes at such election shall be directors; and if any two or more persons shall receive an equal number of votes, so that more than the required number of persons shall by a plurality of votes appear to be elected, the stockholders shall proceed to ballot a second time, and by a plurality of votes determine which of such persons, so having an equal number of votes shall be directors; and in case any vacancy happens by death, resignation, or otherwise, the vacancy shall be filled from among the stockholders by a majority of the remaining direct-

ors. After their election the directors shall elect from among their number, a president and vice-president.

SEC. 8. If the election of directors shall not be made on the day herein prescribed, said corporation shall not thereby be dissolved, but a meeting for the election of directors may be held on any day under such regulations as shall be prescribed by the by-laws of said corporation.

SEC. 9. The shares of said corporation shall be transferred only in such manner and under such regulations as shall be prescribed by the by-laws of the corporation; provided no transfer shall be valid until recorded by the treasurer, or, in his absence, by one of the directors, in a book for that purpose. Said corporation shall have a lien upon the stock of each stockholder for any indebtedness, direct or indirect, of such stockholder to itself, subject to sale as property is sold under a conditional vendor's lien, and it may refuse to transfer the shares of such stockholder until such indebtedness is satisfied, provided said corporation has given notice of its right so to do, as required by section 3688 of the Vermont Statutes.

SEC. 10. The corporation hereby created shall also have power:

1. To receive moneys on deposit or in trust, at such rate of interest or on such terms as may be agreed upon, the rate of interest to be allowed for deposits not exceeding the legal rate.

2. To accept and execute all such trusts of every description, and not inconsistent with the laws of this state, as may be committed to it by any person or persons whomsoever, or by any corporation, or by any order of the supreme court, probate court or other court of record in this state.

3. To take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate, on trusts created in accordance with the laws of this state, and execute such legal trusts on such terms as may be declared, established or agreed upon, and in case no terms are declared, established or agreed upon then the trust property is only to be invested as provided by the terms of this act.

4. To accept deposits where public officers or municipal or private corporations are authorized or required by law to deposit money in a bank, and such deposit may be made by



such officers or corporations in and with the said Rutland County Trust Company.

5. To act as agents for the purpose of issuing, registering and countersigning the certificates of stock or other evidences of debt of any corporation, association, municipality, state or other public authority, and for the collection of interests and dividends on the same terms as may be agreed upon.

6. To purchase and sell stocks, bonds, mortgages and other evidences of indebtedness.

7. To issue letters of credit upon such terms as may be agreed upon by the directors.

SEC. 11. The directors of said corporation may make such by-laws and regulations as they may deem necessary and proper, not inconsistent with this act, or the laws of this state.

SEC. 12. Said corporation shall organize within two years from the passage of this act.

SEC. 13. Said corporation shall be allowed as compensation for the care of trust property, the investment and collection of the same, and for other services rendered in the execution of such trust, such sum as shall be agreed upon; and in the absence of any agreement, such compensation as is fixed by the by-laws or regulations of said corporation in force at the time such trust is executed.

SEC. 14. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment; and no dividends shall be made or declared upon the capital stock of said corporation until the same are actually earned and realized over and above all losses and expenses.

SEC. 15. The corporation shall, except as herein provided, be subject to the provisions of law applicable to trust companies, and also to all general laws which may hereafter be enacted in relation to trust companies; and the general assembly may at any time hereafter modify or repeal this act or any part thereof.

SEC. 16. This act shall take effect from its passage.

Approved December 7, 1904.

# No. 303.—AN ACT RELATING TO THE STATE TRUST COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The State Trust Company, incorporated by No. 243 of the acts of 1872 as amended by No. 189 of the laws of 1880, is hereby authorized to reduce its capital stock to such amount as may be determined by a vote of two-thirds of its capital stock outstanding; provided that its total capital stock shall not be reduced below twenty-five thousand dollars. For any meeting held for the purpose of reducing its capital stock at least thirty days' notice shall be given by a printed or written notice sent by mail to the last known post-office address of each stockholder and depositor of said company and also by notice published once a week for the four weeks preceding such meeting in a newspaper published in the city of Rutland.

SEC. 2. If said company shall vote to reduce its capital stock as provided in section 1, the total amount of such reduction shall be apportioned among the different stockholders according to their respective holdings of stock. The amount of the stock thus apportioned among the different stockholders shall be surrendered to the company within thirty days from the sending of notice of the amount of such reduction and the company shall pay to each stockholder the par value of his stock so surrendered. No fractional shares shall be issued but fractional shares shall be apportioned among the stockholders as the directors may determine.

SEC. 3. If any stockholder is dissatisfied with the action of the company in reducing the amount of its capital stock, he may within thirty days from the date of holding any meeting at which the capital stock is reduced apply to the Rutland county court for the appointment of three commissioners who, upon his depositing with the clerk of said court his stock certificates, shall appraise the value of such stock and report their findings to said court and the court upon hearing as it judges proper, shall revise or confirm their findings. Upon the final confirmation of said report the company shall within thirty days pay the amount of such appraisal to such stockholder. Upon the payment or tender of the amount of such award said stock shall be delivered by said clerk to the company. Said court shall have and exercise all necessary equity powers for the purpose of carrying out said award and compelling the payment of the amount thereof and the surrender to the company of the certificates of the stock appraised. The directors may dispose of any stock re-



ceived under the provisions of this section in such manner as they deem proper.

SEC. 4. This act shall take effect from its passage.

Approved December 10, 1904.

No. 304.—AN ACT TO LEGALIZE THE REORGANIZATION OF THE SWANTON SAVINGS BANK AND TRUST COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The charter of Swanton Savings Bank and Trust Company, being No. 219, acts of 1894, is hereby revived and made operative.

SEC. 2. Subdivision "E" of section 3, and sections 4, 11, 13, 14 and 16, of said act are hereby repealed.

SEC. 3. Section 5 of said act is hereby amended by striking out in line 2 the word "five" and inserting in lieu thereof the words "not more than nine."

SEC. 4. The acts of the present stockholders of said corporation in reorganizing the same, whether acting as a corporation or as individuals, in so far as those acts were such as might lawfully be done by a savings bank and trust company, are hereby legalized, and made the acts of said corporation.

SEC. 5. This act shall take effect from its passage.

Approved December 8, 1904.

No. 305.—AN ACT TO INCORPORATE THE VALLEY SAVINGS BANK AND TRUST COMPANY OF NORTH TROY, VERMONT.

Section.		Section.
1. Subscribers to stock made a		8. Election of directors held on any
2. \$25,000 capital stock.		9. Shares transferable under regula-
3. Commissioners, allotment of		10. Powers of corporation.
4. Stockholders' meeting, list of		11. By-laws.
5. Each share has one vote.		12. Compensation for care of trust
6. 50 per cent paid in before busi-		13. Assessment.
7. Directors, term of office, vacancies.		14. General law applicable.
		15. Organization within two years.
		16. Takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. J. W. Currier, O. S. Annis, D. W. Kelly, C. P. Ewins, F. S. Rogers, H. H. Lewis, H. B. Parker, B. M. Parker, E. G. Gardyne, F. H. Elkins, E. J. Horan, C. O. Fowler, W. D. Miller, J. R. B. Hunt, F. S. Grey, J. S. Young, I. Lunna, C. P. Hunt, Henry B. Parkhurst, W. W. Wakefield, E. T. Seaver, A. H. Butterfield, C. C. Waller, F. H. Page, of Troy, in the county of Orleans, A. A. Macomber, J. E. Chase, A. M. Wakeman, of Jay, in said county of Orleans, Homer Burnham, H. B. Hitchcock, H. O. Miller, of Westfield, in the county of Orleans, I. Stephenson, of Lowell, in the county of Orleans, C. L. Erwin, F. D. Taylor and J. G. Stickney, of Newport, in the county of Orleans, and other subscribers for stock, their associates and successors and assigns, be and they are hereby incorporated and made a body corporate and politic by the name of the Valley Savings Bank and Trust Company, and by that name may sue and be sued, have a common seal, and the same alter at pleasure, and shall have and enjoy all the rights and privileges incident to corporations, and said corporation shall be located in the village of North Troy, in the town of Troy in the county of Orleans and state of Vermont.

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same to an amount not exceeding one hundred thousand dollars; and said capital stock shall be divided into shares of one hundred dollars each.

SEC. 3. A. A. Macomber, W. D. Miller, J. R. B. Hunt, Homer Burnham, E. T. Seaver and J. W. Currier are appointed commissioners for receiving subscriptions for shares in the capital stock of said corporation and they shall open books for that purpose at the incorporated village of North Troy, in the county of Orleans, within two years after the passage of this act, and notice of the time and place of such opening shall be published at least three weeks in succession in a newspaper published in Orleans county, the last of which publications shall not be more than two weeks previous to the day fixed for such opening, which notice shall be signed by at least a majority of said commissioners. Said commissioners shall be sworn to the faithful discharge of their duties and such books shall continue open from ten o'clock in the forenoon until four o'clock in the afternoon of each day, Sundays excepted, for the space of ten days, and thereafter until two hundred and fifty shares shall be subscribed for, and the subscribers shall at the time of subscribing deposit with the commissioners ten dollars on each



corporation, or by order of the supreme court, probate court or any other court of record in this state.

3. To take and accept by grant, assignment, transfer, devise or bequest and hold any real estate and personal estate, on trust created in accordance with the laws of this state, and execute such legal trusts on such terms as may be declared, established or agreed upon in regard thereto; and in case no terms are established, declared or agreed upon, then the trust property is only to be invested as provided by the terms of this act.

4. To accept deposits where public officers or municipal or private corporations are authorized or required by law to deposit money in a bank and such deposit may be made by such officers or corporations in and with the said Valley Savings Bank and Trust Company.

5. To act as agents for the purpose of issuing, registering and countersigning the certificates of stock or other evidences of debt of any corporation, association, municipality, state or public authority, and for the collection of interest and dividends on the same on such terms as may be agreed upon.

6. To purchase and sell stocks, bonds, mortgages and other evidences of indebtedness.

7. To issue letters of credit upon such terms as may be agreed upon by the directors.

SEC. 11. The directors of said corporation may make such by-laws and regulations as they deem necessary and proper not inconsistent with this act or the laws of the state.

SEC. 12. The corporation shall be allowed as compensation for the care of trust property, the investment and collection of the same, and for other services rendered in the execution of each trust, such sums as shall be agreed upon, and in the absence of any agreement, such compensation as is fixed by the by-laws or regulations of said corporation in force at the time such trust is created.

SEC. 13. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment, and no dividends shall be made or declared upon the capital stock of said corporation until the same are actually earned and realized over and above all losses and expenses.

SEC. 14. This corporation shall be subject to the provisions applicable to trust companies and to all general laws which may hereafter be enacted in relation to trust companies.

SEC. 15. Said corporation shall organize within two years from the passage of this act.

SEC. 16. This act shall take effect from its passage.

Approved November 29, 1904.

# No. 306.—AN ACT TO INCORPORATE THE WEST RUTLAND TRUST COMPANY.

Section.		Section.
1. Subscribers to stock made a corporation.	a	8. Election of directors held on any other day.
2. \$25,000 capital stock.		9. Shares transferable under regulations.
3. Commissioners, allotment of stock.		10. Powers of corporation.
4. Stockholders' meeting, list of stockholders.		11. By-laws.
5. Each share has one vote.		12. Organization within two years.
6. 50 per cent paid in before business commenced, payment for stock.		13. Compensation for care of trust property.
7. Directors, term of office, vacancies.		14. Assessment.
		15. General law applicable.
		16. Takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The subscribers to the capital stock of the corporation hereby established, and their successors and assigns are constituted a corporation and body politic, by the name of the West Rutland Trust Company; and by that name may sue and be sued; may have a common seal and the same may alter at pleasure; and shall have and enjoy all the privileges incident to corporations; and said trust company shall be established in the town of West Rutland, in the county of Rutland.

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same from time to time to an amount not exceeding one hundred thousand dollars by a vote of a majority of the whole capital stock at a meeting of the stockholders called for that purpose, and shall be divided into shares of the par value of one hundred dollars each, to be paid in at such times and in such manner as the board of directors may direct.

SEC. 3. George C. Robinson, Enos Fish, Jr., Patrick H. Paten, Edmund R. Morse and Frank C. Partridge, or a majority of them, are appointed commissioners for receiving subscriptions for shares in the capital stock in said corporation and they shall open books for that purpose at West Rutland within two years after the passage of this act, notice of which opening shall be published in a newspaper printed in Rutland county three weeks in succession, the last of which shall not be more than two weeks previous to the day fixed by the commissioners, and said notice shall be signed by a majority of said commissioners. The said commissioners shall be sworn to a faithful performance of their duties, and such books shall continue open from ten o'clock a. m. till four o'clock p. m. each day for the space of five days, Sundays excepted, and thereafter until two hundred and fifty shares shall be subscribed for, and the subscribers shall at the time of subscribing deposit with the commissioners ten



dollars on each share by them subscribed for. The commissioners, in case that more than the whole amount of the capital stock is subscribed for, shall allot and distribute the same among the subscribers in such manner as they may deem most for the interest of all concerned; and if there shall be any increase in the capital stock of said corporation as herein provided, the said increase shall be divided among the then stockholders pro rata if they will accept the same, and in case the whole of such increase is not then distributed the surplus may be divided among the then stockholders of said corporation, who will receive and pay for the same in proportion to the amount of stock held by them, or in such other manner as the board of trustees shall determine.

SEC. 4. Said commissioners shall, upon the whole amount of stock being subscribed for, or as soon after as they shall think proper, not exceeding sixty days, call a meeting of the stockholders of said corporation at such place in West Rutland as they shall think proper, by publishing a notice thereof signed by a majority of them, in a weekly newspaper printed in Rutland county three weeks successively previous to such meeting, for the purpose of electing directors of said corporation; and said commissioners shall deliver to said directors of said corporation when elected, and within ten days after they shall enter upon the duties of their office, a list of all the names of persons entitled to shares in said corporation, and the number of shares to which each is entitled, and the sum by each deposited with them, and also the moneys received by them on deposit on said shares; which list the said directors shall cause to be recorded in the books of said corporation and thereupon issue certificates to such subscribers for their stock.

SEC. 5. Each share of stock shall entitle its holder to one vote at all meetings of the stockholders, who may vote in person or by proxies duly authorized in writing.

SEC. 6. The corporation shall not commence business until at least fifty per cent. of the whole capital stock shall have been paid into said corporation. After the shares shall have been distributed and allotted, each stockholder shall pay the whole amount remaining due on shares so held by him, at such time or times as the board of directors shall appoint, of which at least ten days' notice shall be given to each subscriber by mail and publishing the same in some newspaper published in Rutland county and the shares of each stockholder omitting to make such payment shall be forfeited together with all previous payments made thereon, provided that the whole of said capital stock shall be actually paid in within two years from the date of the organization of the corporation.

SEC. 7. The business of said corporation shall be managed by not less than five nor more than nine directors, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in said corporation each to the amount of at least one thousand dollars, and shall be inhabitants of this state. Such directors shall be elected annually at such time and place as the by-laws of such corporation shall provide, and shall, except those first elected who shall hold until their successors are elected and qualified, hold their offices for one year from the time of their election and until their successors are elected and qualified. Public notice of each meeting of the stockholders of this corporation for the election of said directors, shall be given by publication in a newspaper, printed in Rutland county, at least two weeks successively next preceding such election; all such elections shall be by ballot by the stockholders of said corporation who shall be present at said meeting in person or by proxy, and the several persons who shall receive the greatest number of votes at such election shall be directors; and if any two or more persons shall receive an equal number of votes, so that more than the required number of persons shall by a plurality of votes appear to be elected, the stockholders shall proceed to ballot a second time, and by a plurality of votes determine which of such persons, so having an equal number of votes shall be directors; and in case any vacancy happens by death, resignation, or otherwise, the vacancy shall be filled from among the stockholders by a majority of the remaining directors. After their election the directors shall elect from among their number, a president and vice-president.

SEC. 8. If the election of directors shall not be made on the day herein prescribed, said corporation shall not thereby be dissolved, but a meeting for the election of directors may be held on any day under such regulations as shall be prescribed by the by-laws of said corporation.

SEC. 9. The shares of said corporation shall be transferred only in such manner and under such regulations as shall be prescribed by the by-laws of the corporation; provided no transfer shall be valid until recorded by the treasurer, or, in his absence, by one of the directors, in a book for that purpose. Said corporation shall have a lien upon the stock of each stockholder for any indebtedness, direct or indirect, of such stockholder to itself, subject to sale as property is sold under a conditional vendor's lien, and it may refuse to transfer the shares of such stockholder until such indebtedness is satisfied, provided said corporation has given notice of its right so to do, as required by section 3688 of the Vermont Statutes.



SEC. 10. The corporation hereby created shall also have power:

1. To receive moneys on deposit or in trust, at such rate of interest or on such terms as may be agreed upon, the rate of interest to be allowed for deposits not exceeding the legal rate.

2. To accept and execute all such trusts of every description, and not inconsistent with the laws of this state, as may be committed to it by any person or persons whomsoever, or by any corporation, or by any order of the supreme court, probate court or other court of record in this state.

3. To take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate, on trusts created in accordance with the laws of this state, and execute such legal trusts on such terms as may be declared, established or agreed upon, and in case no terms are declared, established or agreed upon, then the trust property is only to be invested as provided by the terms of this act.

4. To accept deposits where public officers or municipal or private corporations are authorized or required by law to deposit money in a bank; and such deposit may be made by such officers or corporation with the said West Rutland Trust Company.

5. To issue letters of credit upon such terms as may be agreed upon by the directors.

6. To act as agent for the purpose of issuing, registering or countersigning the certificates of stock, or other evidence of a debt of any corporation, association, municipality, state or public authority, and for collection of interests or dividends on the same, on such terms as may be agreed upon.

7. To purchase and sell stocks, bonds, mortgages and other evidences of indebtedness.

SEC. 11. The directors of said corporation may make such by-laws and regulations as they may deem necessary and proper not inconsistent with this act, or the laws of this state.

SEC. 12. Said corporation shall organize within two years from the passage of this act.

SEC. 13. Said corporation shall be allowed as compensation for the care of trust property, the investment and collection of the same, and for other services rendered in the execution of such trust, such sum as shall be agreed upon; and in the absence of any agreement such compensation as is fixed by the by-laws or regulations of said corporation in force at the time such trust is executed.

SEC. 14. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment; and no dividends

shall be made or declared upon the capital stock of said corporation until the same are actually earned and realized over and above all losses and expenses.

SEC. 15. This corporation shall, except as herein provided, be subject to the provisions of law applicable to trust companies, and also to all general laws which may hereafter be enacted in relation to trust companies; and the general assembly may at any time hereafter modify or repeal this act or any part thereof.

SEC. 16. This act shall take effect from its passage.

Approved November 29, 1904.

No. 307.—AN ACT IN AMENDMENT OF SECTION 2 OF NUMBER 265 OF THE ACTS OF 1902 ENTITLED "AN ACT IN AMENDMENT OF NUMBER 233 OF THE ACTS OF 1900 ENTITLED 'AN ACT TO INCORPORATE THE AMERICAN FIDELITY COMPANY.'"

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 2 of number 265 of the acts of 1902, entitled "An act in amendment of No. 233 of the acts of 1900 entitled 'An act to incorporate the American Fidelity Company,'" is hereby amended to read as follows:

Section 4 of said act is amended to read as follows: The kind of business to be undertaken by the company shall be the guaranteeing as surety or otherwise of the fidelity of persons holding places of public or private trust, the guaranteeing as surety or otherwise of the performance of contracts other than policies of fire and life insurance, and the executing or guaranteeing as surety or otherwise of bonds and undertakings required or permitted in all actions or proceedings by law allowed including bonds required by probate or surrogate or other courts in this state or elsewhere.

Said company may also, by its president or secretary, acknowledge its liability and bind said company under recognizances required by law and may also make contracts of insurance against injury, disablement or death by accident; against burglary, robbery or theft; against the sickness of persons; against any loss or damage resulting from accident or injury to an employee, or other person, and for which the insured is legally liable or so



SEC. 4. The officers of said company shall be a president, vice-president, secretary, treasurer, auditor and board of directors; and said corporation may adopt such by-laws and regulations as it may deem expedient, provided the same are not repugnant to the laws of this state; but no debts shall be contracted nor bonds be issued by the corporation exceeding in amount two-thirds of the capital stock actually paid in, and a director or directors assenting to the creation of an indebtedness exceeding this amount shall be personally holden for such excess.

SEC. 5. This corporation shall be subject to all the provisions and entitled to all the privileges given by the general law relating to corporations; and this act shall be subject to any and all future legislation, relating to its altering, amendment or repeal.

SEC. 6. This act shall take effect from its passage.

Approved December 1, 1904.

No. 314.—AN ACT TO INCORPORATE THE RUTLAND COUNTY TELEPHONE AND TELEGRAPH COMPANY.

Section	Section
1. Incorporators, powers of corporation.	5. Property of Rutland Co. Tel. Co. transferred.
2. \$10,000 capital stock, transfer.	6. Subject to chapter 164 V. S.
3. Directors.	7. Takes effect from passage.
4. First meeting.	

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. A. W. Foote and W. R. Foote of Cornwall, D. S. Carpenter, W. E. Grover and W. H. Wilbur, of Middletown Springs, and W. F. Otis, of Danby, Vt., their associates and successors are hereby constituted a body politic and corporate by the name of the Rutland County Telephone and Telegraph Company, for the purpose and with the right of acquiring, building, maintaining and operating telephone, telegraph and electric lines in the counties of Addison, Bennington, Chittenden and Rutland, in and through such towns and villages and to and from such points as shall be most convenient to meet the needs of said company and the wants of the people of this state, and may connect with any telephone, telegraph or electric lines now or hereafter to be erected or extended in and through this state; and by that name may sue and be sued, purchase, hold and convey real estate, and shall also have the

power to sell, mortgage or lease its franchises, rights and properties, and may have a common seal, and all the rights and privileges of a corporation. The principal office of said company shall be at Middletown Springs, Vermont.

SEC. 2. The capital stock of said company may be to any amount necessary for the purposes herein contemplated, not to exceed ten thousand dollars, and shall be divided into shares of ten dollars each which shall be deemed personal property, and shall be transferable in such manner as said company, by their by-laws, shall direct; provided that no transfer of such stock shall be valid until recorded by the secretary or treasurer of said company, or, in their absence, by one of the directors of said company, in a book kept for that purpose. Said corporation shall not contract debts in excess of three-fourths of the capital stock paid in, and any director assenting to the same shall be personally liable for the excess.

SEC. 3. The affairs of said company shall be managed by such number of directors as the stockholders may determine, not less than three, who shall be stockholders in said company, and who shall be elected annually at such time and place, within said counties, as said company may appoint. A vacancy in any office may be filled by the directors.

SEC. 4. The first meeting of said company shall be called by A. W. Foote at Middletown Springs, Vermont, at such time as he shall appoint within one year from the passage of this act, for the purpose of choosing a president, vice-president, secretary, treasurer and board of directors as above specified; and at least ten days' notice in writing of such meeting shall be given to each of the incorporators; and at said meeting and all other meetings legally notified and held said corporation may make, alter and amend all such by-laws, rules and regulations for the management of the business of said corporation as a majority of the stock present may direct.

SEC. 5. The property, effects, rights and interests of an unincorporated association now engaged in the telephone business at Middletown Springs, Vt., under the co-partnership name of the Rutland County Telephone and Telegraph Company, are hereby transferred to and vested in said corporation when this charter is accepted by the unanimous consent of the members of said co-partnership.

SEC. 6. This act shall be subject to the provisions of chapter 164 of the Vermont Statutes, and entitled to all the privileges provided in such chapter, as well as to all general laws regulating the business in which said company shall engage and also to such control of the legislature at all times as the public good may require.



SEC. 7. This act shall take effect from its passage.  
Approved November 16, 1904.

No. 315.—AN ACT TO INCORPORATE THE STRAFFORD  
CO-OPERATIVE TELEPHONE COMPANY.

Section	Section
1. Incorporators, powers of corporation.	4. Officers.
2. \$10,000 capital stock, transfer.	5. Subject to general law.
3. Directors.	6. Takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. S. H. Boomer, I. L. Nowlan, H. C. Gilkey, John Judd, W. E. Tucker, J. O. Kendall, F. B. Kendall, Henry Rhodes, A. B. Finney, Geo. Cook, Fred Howland and Harper Savage their associates and successors are hereby constituted a body politic and corporate by the name of the Strafford Co-Operative Telephone Company for the purpose and with the right of building, maintaining and operating telephone lines through such towns and cities and to such points in the counties of Orange, Windsor and Rutland, in the state of Vermont, as shall be most convenient to meet the wants of the inhabitants of any towns or cities in this state, and may connect with, or acquire any telephone, telegraph or electric lines used for the transmission of intelligence now or hereafter to be erected or extended in and through this state, and by its corporate name may sue or be sued, purchase, hold, or convey real or personal estate to an amount not exceeding ten thousand dollars, may have a common seal and all the rights and privileges of a corporation. The principal office of said corporation shall be at Strafford, Vermont.

SEC. 2. The capital stock of said company shall be to any amount not exceeding ten thousand dollars for the purposes herein contemplated, and shall be divided into shares of twenty dollars each, and shall be deemed personal property and shall be transferable in such manner as said company by its articles of association and by-laws shall direct. Said company may increase its capital stock to any amount not exceeding fifty thousand dollars provided the stockholders at a meeting regularly warned for that purpose, by a vote of a majority of the stock represented and voting, shall so vote.

SEC. 3. The affairs of said company shall be managed by such number of directors as its by-laws shall determine, said

directors shall be stockholders in said company, and shall be elected annually.

SEC. 4. The officers of said company shall be a president, vice-president, secretary, treasurer and board of directors, and said corporation may adopt such by-laws and regulations as it may deem expedient, provided the same are not repugnant to the laws of this state.

SEC. 5. This corporation shall be subject to all provisions and entitled to all the privileges given by the general law relating to corporations, and this act shall be subject to any and all future legislatures to alter, amend or repeal.

SEC. 6. This act shall take effect from its passage.  
Approved November 2, 1904.

No. 316.—AN ACT TO INCORPORATE THE UNION  
TELEPHONE COMPANY.

Section	Section
1. Incorporators, powers of corporation, office.	5. Property.
2. By-laws.	6. Borrow money and issue of bonds.
3. \$10,000 capital stock, transfer.	7. Organization within two years.
4. Directors.	8. Subject to chapter 164 V. S.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. William H. Wheatley, George O. Kimball, of Hardwick, Warren E. Bliss, George E. Sanders, of Calais, Rufus M. Pray, of Woodbury, Orril F. Barrett, Walter I. Abbott and H. Ola Dwinell, of Cabot, now members of an unincorporated association, called the Union Telephone Company, with their associates and successors, are hereby constituted a body corporate and politic, by the name of The Union Telephone Company, for the purpose and with the right of acquiring, building, maintaining and operating telephone lines for the transmission of intelligence, through such portions of the counties of Washington, Caledonia and Lamoille, and the township of Greensboro, in Orleans county, as shall become most convenient to meet the wants of its incorporators and patrons, and may connect with any telephone line now running or that may be extended into or through this state; and by said name they may sue and be sued, plead and be impleaded, have a common seal and the same alter at pleasure, and may enjoy all the other rights and powers incident to such corporations, and shall have its principal office at Cabot, Vermont.



Section 3. The affairs of said company shall be managed by a board of five directors who shall be stockholders; and the officers of said company shall consist of said directors, a president, vice-president, clerk, treasurer and three auditors; the directors, clerk and auditors shall be elected by the stockholders in such times and manner as the by-laws of the company shall provide; and the directors shall elect from their number the president and vice-president, and shall also elect a treasurer, whom they may remove at their pleasure, and may require him, in their discretion, to give bonds.

SEC. 3. The last paragraph of section 5 of said act is hereby amended so as to read as follows:

At the first meeting, said incorporators may adopt by-laws, elect a board of directors, a clerk and three auditors, and receive subscriptions for stock, and provide for receiving, through commissioners or otherwise, further subscriptions therefor.

SEC. 4. Section six of said act is hereby amended by inserting after the words, "Shall not" and before the words, "contract any debts," in the first line of said section, as printed in the session laws of 1902, the words: "commence business or."

SEC. 5. This act shall take effect from its passage.

Approved December 9, 1904.

No. 324.—AN ACT TO AMEND SECTION 1 OF No. 101 OF THE ACTS OF 1866, ENTITLED "AN ACT TO INCORPORATE THE FREE PRESS ASSOCIATION," AND TO CONFER ON SAID CORPORATION CERTAIN ADDITIONAL POWERS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 1 of No. 101 of the acts of 1866 is hereby amended to read as follows:

Section 1. George W. Benedict, George Grenville Benedict, Benjamin Lincoln Benedict and their associates and successors, are hereby constituted a body corporate, under the name and style of the Free Press Association, and by that name may contract, sue and be sued, may have a common seal, may hold and convey real and personal estate,

and may have and enjoy all the powers, rights and privileges incident to corporations, for the purpose of printing, publishing and selling newspapers, books, maps and prints, and the materials used in the making thereof, also for the purpose of dealing in fountain pens, office and stationers' supplies of all kinds together with advertising, job printing and binding; and said corporation is hereby empowered, and may have, own, hold, use and control, by purchase or otherwise and sell and dispose of the same, stock, shares or interests in other corporations established or that may hereafter be established, incidental or pertaining to, or having a tendency in any way to promote the best interests and general welfare of this corporation or the business conducted thereby.

SEC. 2. This act shall take effect from its passage.

Approved November 16, 1904.

No. 325.—AN ACT TO AMEND No. 157 OF THE LAWS OF 1886 ENTITLED "AN ACT TO INCORPORATE THE HOWE SCALE COMPANY OF 1886."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. Section one of No. 157 of the laws of 1886 entitled "An act to incorporate the Howe Scale Company of 1886" is hereby amended by striking out the words "of 1886" in the eighth line of said section so that the name of said company shall be "The Howe Scale Company."

SEC. 2. This act shall take effect from its passage.

Approved November 16, 1904.



ness exceeding such amount shall be personally liable for the excess.

SEC. 8. Power is hereby conferred upon any other manufacturing corporation to transfer by sale or lease, its franchises, rights, privileges and immunities, its stocks, bonds and securities, and other property, real or personal belonging to such corporation to the corporation hereby created.

SEC. 9. Each share of stock of said corporation shall entitle the record holder thereof to one vote in person, or by proxy.

SEC. 10. A. S. Richardson and E. H. Richardson, both of St. Albans, Vermont, are hereby appointed commissioners to receive subscriptions to the capital stock of said corporation, and they shall, on thirty days' notice as required by law, open books for that purpose, at such times and places as they deem best; and they shall, on ten days' notice to the subscribers to the capital stock, call the first meeting for the purpose of adopting by-laws and organizing said corporation in accordance therewith at such time and place as they deem proper; but no notice for such meeting shall be required if all the subscribers voluntarily assemble for that purpose, or agree thereto in writing.

SEC. 11. The stockholders of said corporation shall adopt such by-laws, not repugnant to the laws of this state as may be deemed necessary for the management of the affairs and business of said corporation.

SEC. 12. The affairs of said corporation shall be managed by a board of directors of not less than three and not more than thirteen members, who shall be stockholders, and shall be elected as shall be provided in the by-laws; and from their number shall annually be chosen such officers as may be provided for in said by-laws, which board of directors shall hold office for one year and until their successors are chosen.

SEC. 13. This act shall be subject to the control of future legislatures to alter, amend or repeal, as the public good may require.

SEC. 14. This act shall take effect from its passage.

Approved December 8, 1904.

# No. 327.—AN ACT TO INCORPORATE THE RUTLAND PUBLISHING ASSOCIATION.

Section	Section
1. Incorporators, powers of corporation.	4. First meeting.
2. \$25,000 capital stock, increase of.	5. Contraction of debts.
3. Directors.	6. Takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. I. G. Gray, Charles Brownell, S. G. Howard, E. G. Adams, A. E. Ross, A. G. Coledge, and their associates and successors, are hereby constituted a body corporate, under the name and style of the Rutland Publishing Association, and by that name may contract, sue and be sued, may have a common seal, may hold and convey real and personal estate, and may have and enjoy all the powers, rights and privileges incident to corporations for the purpose of printing, publishing and selling newspapers, books, maps and prints, and the materials used in the making thereof, together with advertising, printing and binding, and said corporation is hereby empowered, and may have, own, hold, use and control, by purchase or otherwise, and sell and dispose of the same, stocks, shares or interests, in other corporations established or that may hereafter be established, incidental or pertaining to, or having a tendency in any way to promote the best interests and general welfare of this corporation or the business conducted thereby.

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars, divided into two hundred and fifty shares of one hundred dollars each, which shall be held as personal property, transferable only in accordance with the by-laws of said corporation; and such capital stock may at any time be increased by the issue of not to exceed one thousand shares, by a vote of the majority of the stock, at a meeting of the stockholders called by legal notice for that purpose.

SEC. 3. The business of said corporation shall be managed by three directors, who may from time to time appoint and remove such officers as may be necessary for the transaction of the business of the association and shall also appoint the editor, or editors of any newspapers published by the cor-



poration, who shall have the exclusive power to designate the matter to appear in the columns of such newspapers.

SEC. 4. The first meeting of the stockholders of said corporation shall be held at a time and place to be designated by written notice to each stockholder, by A. G. Cooledge, and said corporation may at its first or at any subsequent regular meeting, properly called, make, alter or amend such by-laws and rules for the government of its affairs as they shall deem necessary, not repugnant to the laws of this state or of the United States.

SEC. 5. Said corporation shall not contract debts to an amount exceeding two-thirds of its capital stock actually paid in, and if the indebtedness shall at any time exceed the amount aforesaid, the directors and stockholders of such corporation shall be personally liable for such excess to the creditors of the corporation.

SEC. 6. This act shall take effect from its passage, and be subject to the control of the legislature, to alter, amend or repeal, if the public good shall require.

Approved December 7, 1904.

No. 328.—AN ACT TO AMEND THE ARTICLES OF ASSOCIATION OF THE SWEAT-COMINGS CO. OF RICHFORD, VERMONT.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The articles of association of the Sweat-Comings Co. are hereby amended so as to read as follows:

We the subscribers hereby associate ourselves together as a corporation under the laws of the state of Vermont to be known by the name of The Sweat-Comings Co., for the purpose of manufacturing and selling furniture, building material, and other articles of wood, running an electric light plant, a saw mill, and grist mill in all its branches, and acquiring and holding real estate for the purposes herein contem-

plated and buying and selling any article of merchandise in connection with said business.

SEC. 2. This act shall take effect from its passage.

Approved November 16, 1904

No. 329.—AN ACT TO CHANGE THE CAPITAL STOCK OF THE C. B. WELCH MAPLE COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The capital stock of the corporation organized under and by virtue of the articles of association dated March 3, 1904, and filed in the office of the secretary of state March 3, 1904, with the corporate name of the C. B. Welch Maple Company, is hereby changed from fifty thousand dollars divided into five hundred shares of one hundred dollars each to fifty thousand dollars divided into five thousand shares of ten dollars each.

SEC. 2. This act shall effect from its passage.

Approved November 4, 1904.

*W. C. Webb*

# ACTS AND RESOLVES

Passed by the

## GENERAL ASSEMBLY

of the

## STATE OF VERMONT

at the

### NINETEENTH BIENNIAL SESSION 1906

Session Commenced October 3 ; Adjourned December 20



PUBLISHED BY AUTHORITY

FREE PRESS PRINTING CO.,  
PRINTERS, BINDERS, STATIONERS.  
1906.

**Acts & Resolves 1906**



SEC. 4. The county clerk of said county shall draw his order upon the county treasurer for the payment of all expenses incurred under this act in the same manner as is now provided by law for the payment of county expenses.

SEC. 5. This act shall take effect from its passage.

Approved November 15, 1906.

No. 243.—AN ACT TO PROVIDE FOR CERTAIN ALTERATIONS, REPAIRS AND ADDITIONS TO THE HOUSE OF CORRECTION.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The board of penal institutions is hereby authorized and empowered to make such alterations and repairs on and additions to that portion of the house of correction establishment which is known and used as Rutland county jail, as are reasonably necessary to put the same in good and safe condition of repair.

SEC. 2. All plans, contracts, bills and accounts of the alterations and repairs provided for in the preceding section shall be subject to the approval of the governor.

The auditor of accounts shall upon the approval of the governor draw his order on the state treasurer to pay the bills, accounts and expenses of such alterations, repairs and additions.

SEC. 3. This act shall have no force and effect after October first, 1908.

SEC. 4. This act shall take effect from its passage.

Approved December 17, 1906.

No. 244.—AN ACT TO PROVIDE FOR ADDITIONS, REPAIRS, AND IMPROVEMENTS TO THE COURT HOUSE, COUNTY CLERK'S OFFICE, AND THE PROBATE OFFICES IN WINDHAM COUNTY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The assistant judges of Windham county are hereby authorized to make such additions and repairs of the court

house of said county as in their judgment may be necessary for its comfortable and convenient use, and procure such additional furniture and fittings as they may deem expedient; and said judges are also authorized to make such alterations and additions to the county clerk's office and probate office in Brattleboro, and the probate office in Bellows Falls, and to procure such additional furniture and interior fittings, file cases and cabinets for said offices as they may deem necessary.

SEC. 2. Said judges are hereby authorized and empowered to make and deliver to the county treasurer of said county a written order directing him to issue warrants to the collectors of taxes of the towns in said county for the collection of a tax to be assessed on the grand list of the year of 1907 of the several towns in the county of Windham sufficient to carry out the provisions of this act, but the whole amount of such tax shall not exceed three and one-half cents on the dollar of the grand list of said county.

SEC. 3. The said treasurer shall issue his warrants requiring such tax to be paid to him within sixty days from the date thereof.

SEC. 4. The county clerk shall draw his orders upon the county treasurer for the payment of such expenses incurred under this act in the same manner as is now provided by law for the payment of other county expenses.

SEC. 5. Said judges are empowered to borrow money temporarily for the payment of the expenses provided for by this act, and to issue negotiable obligations of the county for the payment of said loan.

SEC. 6. This act shall take effect from its passage.

Approved November 16, 1906.

No. 245.—AN ACT TO AID THE TOWN OF BELVIDERE IN BUILDING A SCHOOL BUILDING.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The sum of one thousand dollars is hereby appropriated for the purpose of repairing a school building or building a new one in the town of Belvidere, the same to be expended under the direction of the superintendent of education, and at his discretion.



8. To regulate the erection of buildings, and to regulate entrances and exits to public halls and theatres until proper exits are provided, to prevent the encumbering of the streets, sidewalks and public alleys with fire-wood, lumber, carriages, boxes and other things, and provide for the care, preservation, and improvement of public grounds.

9. To restrain all cattle, horses, sheep, swine, and fowls from running at large in the streets of said village.

10. To provide a supply of water for the protection of the village against fire, and for other purposes, and to regulate the use of the same.

11. To compel all persons to remove from the sidewalks and gutters adjacent to the premises owned or occupied by them all snow, ice, dirt and garbage, and to keep such sidewalks and gutters clean.

12. To license inn-keepers, keepers of saloons or victualling houses, peddlers, itinerant vendors and auctioneers, under such regulations and for such sums of money as shall be prescribed therefor.

13. To restrain the use of rockets, squibs, firecrackers or other fireworks in the streets or commons, and to prevent the practicing therein of any amusements having a tendency to injure or annoy persons passing thereon or to endanger the security of property.

14. To regulate the grade of streets and the grade and width of sidewalks and the construction thereof and protect the same.

15. To provide for lighting the village.

16. To prohibit and punish wilful injury to trees, regulate the posting of notices and advertisements, and to prevent and punish trespasses or wilful injuries to or upon the common, public buildings and other property.

17. To establish and maintain a public library and reading room.

SEC. 17. The by-laws of said corporation shall be recorded in the office of the clerk, and the clerk's certificate that such by-laws were adopted at annual meeting of said corporation or at a special meeting thereof, called for that purpose, shall be prima facie evidence of such fact in any court in this state; and certified copies of said by-laws and the clerk's certificates shall also be received as evidence in all the courts of the state.

SEC. 18. A fine not exceeding twenty dollars with costs of prosecution may be imposed by said corporation for the breach of any of its by-laws with the alternative sentence to the house of correction in case said fine and costs are not paid as is provided by law in other criminal cases.

SEC. 19. No person being a resident or tax-payer of said corporation shall thereby be deemed incompetent to act as judge, justice, juror, sheriff, deputy sheriff, constable or police officer in any matter, cause or proceeding in which said corporation shall be interested.

SEC. 20. The first meeting of said corporation shall be called by Frank A. DeWitt, Fred W. Underwood and D. A. Benson, or two of their number.

SEC. 21. This act shall become operative when approved by a majority of the legal voters residing in said incorporated district present and voting in a meeting legally warned and held for that purpose, notice of which shall be posted in at least three public places in said village not less than ten or more than twenty days before the time therein specified for said meeting and containing all the business to be done at said meeting.

Approved December 14, 1906.

No. 279.—AN ACT TO AMEND SECTION 24 OF NO. 110 OF THE ACTS OF 1892, ENTITLED "AN ACT TO INCORPORATE THE CITY OF RUTLAND," RELATING TO THE METHOD OF INDEXING ITS RECORDS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 24 of No. 110 of the acts of 1892, is hereby amended by adding thereto the following subdivision, viz.:

(33). To provide for indexing all or any part of the records of deeds and of any or all public records of the city of Rutland, and like records of the former town of Rutland, by the "card index system," so-called, or any other like system. Such "card index system" or other like system may be employed in addition to or in lieu of the manner of indexing now required by the laws of this state.

Approved November 15, 1906.



No. 280.—AN ACT TO AMEND THE CHARTER OF THE CITY OF RUTLAND.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. No. 110 of the acts of 1892, entitled "An act to incorporate the city of Rutland," as amended by Nos. 285 and 286 of the acts of 1894, No. 163 of the acts of 1900, No. 226 of the acts of 1902, and No. 225 of the acts of 1904, is hereby amended so as to read as follows, viz.:

Section 1. The inhabitants of that portion of the town of Rutland included within the following boundaries, to wit:

Beginning at the northeast corner of the Rutland Graded School District; thence westerly on the north line of said Graded School District to the east line of School District No. 3; thence northerly on the east line of said School District No. 3 to the northeast corner thereof; thence westerly on the north line of said School District No. 3 to the "Quarter Line," so-called, on the top of Pine Hill; thence southerly on said "Quarter Line" to Evergreen cemetery; thence westerly and southerly on the lines of said cemetery and on the southerly extension of the west line thereof to the north line of Main street in the village of Center Rutland, so-called; thence in a straight line to the northwest corner of Percival W. Clement's homestead lot on the south side of the highway; thence on the westerly line of said Clement's homestead lot, and on said line produced, to the west line of the highway known as the "Campbell road"; thence southerly and easterly on the westerly and southerly line of said highway and on the westerly line of the highway known as the "river road," if necessary, to a point due west of the southwest corner of the Mussey farm, so-called; thence in a straight line due east, magnetic bearing, through the said southwest corner of the Mussey farm, which is also the northwest corner of the house lot of the Ruel Todd estate, to intersect the east line of the said Rutland Graded School District, produced southerly; thence northerly on said production of said east line of the Rutland Graded School District and on said east line itself to the place of beginning, are hereby incorporated and made a body corporate and politic, under the name of the city of Rutland; and by that name may sue and be sued, prosecute and defend in any court; may have a common seal and alter it at pleasure; may take, hold, purchase and convey such property, real and personal, as the purposes of the corporation may require; may borrow on the credit of the city, in the mode and under the restrictions hereinafter provided; may elect a representative to the general assembly of the state, and the same

number of justices of the peace as a town of equal population; and generally shall have, exercise and enjoy all such rights, immunities, powers and privileges as are conferred upon or are incident to towns in this state; and shall be subject to like duties, liabilities and obligations, except as otherwise provided in this act.

Those portions of the city of Rutland, in the county of Rutland, hereinafter described, are hereby annexed to and made part of the town of Rutland in said county, viz.:

Beginning at the intersection of the north line of the city with the east line of North Main street; thence southerly on the east line of North Main street to its intersection with the south line of James M. Fisk's farm; thence following the south line of James M. Fisk's farm and the extension thereof, to the east line of the city; thence northerly and westerly following the line of the city to the place of beginning. Also beginning at Center Rutland at the intersection of the west line of the city of Rutland with the center line of Otter Creek; thence easterly in the said center line of said creek to its intersection with the west line of the Ripely road, so-called; thence northerly in said west line of the Ripely road to its intersection with the south line of West street; thence westerly in said south line of West street to a point where the boundary line between Evergreen cemetery and the Beaman estate would intersect said south line of West street if extended across said street at an angle of ninety degrees therewith; thence across said West street at an angle of ninety degrees to the intersection of the boundary line between said cemetery and the Beaman estate with the north line of said West street; thence northerly and westerly along said cemetery boundary line to its intersection with the westerly line of the city; thence southerly in the line of the city to the point of beginning.

SEC. 2. The city of Rutland is hereby divided into eleven wards, constituted as follows:

Ward 1. Beginning at the northeast corner of ward one of the village of Rutland; thence westerly on the north line of said ward to a point two hundred forty-six feet west of the center line of Main street; thence southerly on a line parallel with the center line of Main street to the center line of Center street; thence easterly on the center line of Center street and on the same line produced to the east line of the Rutland Graded School District; thence northerly on the boundary line of said district and following said boundary line to the place of beginning.

Ward 2. Beginning at the southeast corner of ward one; thence westerly on the south line of ward one to the southwest corner of ward one; thence southerly on a line parallel with the center line of Main street to the south line of the village of Rut-



land; thence easterly on the south line of said village to the southeast corner of said village; thence following the boundary line of the Rutland Graded School District to the place of beginning.

*Ward 3.* Beginning at the center line of Washington street at its intersection with the west line of ward two; thence westerly on the center line of Washington street and on the same line produced westerly until its intersection with the center line of Franklin street produced easterly; thence southwesterly on said produced line of Franklin street until it intersects with the center line of Spruce street produced northerly; thence southerly on said produced center line of Spruce street and on the center line of Spruce street to the south line of the village of Rutland; thence easterly on the south line of the village to the southwest corner of ward two; thence northerly on the west line of ward two to the place of beginning.

*Ward 4.* Beginning at the intersection of the center line of West street with the west line of ward one; thence westerly in the center line of West street to the center line of Merchants Row; thence southerly on the center line of Merchants Row to the angle in said Merchants Row; thence southerly in a straight line to the northwest corner of ward three; thence northeasterly and easterly in the northwest and north line of ward three, to the northeast corner of ward three; thence northerly in the west line of ward two and in the west line of ward one to the place of beginning.

*Ward 5.* Beginning at the northeast corner of ward four; thence northerly in the west line of ward one to the northwest corner of ward one; thence westerly on the north line of ward five of the village of Rutland to the center line of Grove street; thence southerly in the center line of Grove street to the center line of West street; thence easterly in the center line of West street to the place of beginning.

*Ward 6.* Beginning at the northwest corner of ward five; thence westerly in the north line of ward six of the village of Rutland to East Creek; thence southerly on the center line of East Creek to the center line of State street; thence easterly on the center line of State street to the center line of Grove street; thence northerly on the center line of Grove street to the place of beginning.

*Ward 7.* Beginning at the southeast corner of ward six; thence southerly on the west line of ward five, and on the west line of ward four to the southwest corner of ward four; thence southwesterly on the center line of Franklin street produced easterly, and on the center line of Franklin street to the center line of Forest street; thence westerly in a line parallel with the center line of River street to the center line of Otter Creek; thence

northerly on the center line of Otter Creek to the center line of East Creek and on the center line of East Creek to the southwest corner of ward six; thence easterly on the south line of ward six to the place of beginning.

*Ward 8.* Beginning at the southeast corner of ward seven; thence westerly on the south line of ward seven to the center of Otter Creek; thence southerly in the center line of Otter Creek to the south line of the village of Rutland; thence easterly on the south line of said village to the center line of Spruce street; thence northerly on the west line of ward three to the place of beginning.

*Ward 9.* All that part of School District No. 3 in said town of Rutland, including ward nine of the village of Rutland, that lies easterly of the center line of East Creek.

*Ward 10.* All that part of the city of Rutland that lies west of the center line of East Creek and the center line of Otter Creek.

*Ward 11.* All the rest and remainder of said city of Rutland shall constitute ward eleven of said city.

SEC. 3. The city council are empowered to make such changes, from time to time, in the number and boundaries of the several wards of the city as they may deem proper, having regard, so far as practicable and convenient, to an equal division of population among them; provided that after the first change so made, such changes shall not be made oftener than once in five years.

## TITLE II.

### ELECTIONS AND CITY MEETINGS—CITY ELECTIONS.

SEC. 4. On the first Tuesday in March, 1907, and annually thereafter, the legal voters of said city shall, from among the legal voters thereof, elect a mayor, a vice-mayor, a treasurer, one assessor and one school commissioner, and on said first Tuesday in March, 1907, and biennially thereafter, the legal voters of wards 1, 3, 5, 7, 9 and 11, respectively, shall elect one alderman from each of said wards who shall hold office for two years and until his successor is elected and qualified, and on the first Tuesday in March, 1908, and biennially thereafter the legal voters of wards 2, 4, 6, 8 and 10, respectively, shall elect one alderman, from each of said wards, who shall hold office for two years and until his successor is elected and qualified. On the first Tuesday in March, 1907, and annually thereafter, the legal voters in each ward shall elect the ward officers hereinafter named. The mayor, aldermen and other officers of said city of Rutland who have been duly elected or appointed under the provisions of the existing act incorporating said city of Rutland, shall continue to hold office



until their successors are chosen and have qualified in accordance with the provisions of this act.

SEC. 5. The election of all city and ward officers to be elected under the provisions of this act, shall be by ballot, and the person or persons receiving a plurality of all votes cast for any office aforesaid, shall be declared elected thereto. In case no candidate for mayor, alderman, school commissioner or any general office of said city shall receive a plurality of the votes cast, the voters shall proceed to vote again, and so on from time to time until an election shall be made, and the same proceedings shall be had and the same time given for ballots and, in case of general city officers, the same certificates given, as in case of election of representative to the general assembly. In case none of the candidates for a ward office shall receive a plurality of the votes cast, the city council may appoint a legal voter of the ward in which such contingency occurs to fill such office until the next annual election.

#### WARNINGS.

SEC. 6. All warnings for meetings for the election of city or ward officers, and for general meetings of all the legal voters of said city, for any purpose, shall be issued by the mayor and published in the manner and for the length of time designated in the ordinances or by-laws of said city.

#### QUALIFICATIONS OF VOTERS.

SEC. 7. Every male citizen of this state not less than twenty-one years of age, who shall have resided in said city for one year next preceding any city or ward election, and whose list shall have been taken for the purpose of taxation in said city at the annual assessment next preceding any election of city officers therein, and every such citizen whose poll is exempt from taxation for any cause, shall be a legal voter at said election, and no other person shall be allowed to vote at any such election, but any such voter who is a delinquent taxpayer in said city shall not be allowed to vote in any city or ward election therein, until such delinquent taxpayer has paid said tax or taxes due to said city and presents a receipt therefor to the board of civil authority of said city.

SEC. 8. No such citizen shall vote except in the ward of which he is at the time an inhabitant, and he shall not vote for alderman, or ward officers in any ward in which he has not resided for one month next preceding any such election.

SEC. 9. The same penalties for illegal voting at any city or ward election are hereby prescribed as are provided by law for illegal voting at freemen's meetings.

#### WARD OFFICERS.

SEC. 10. The ward officers shall be a clerk and a first, second and third inspector of election, one of said inspectors to be taken from the minority party casting the largest vote at the general election next preceding. Such officers shall be chosen annually by the legal voters of each ward at the annual city election.

SEC. 11. The ward officers shall be sworn to the faithful discharge of their respective duties and shall hold their offices until their successors are chosen and qualified. They shall be paid such compensation as shall be voted them by the city council.

SEC. 12. In case there is no representative of the minority party herein provided for on the board of inspectors of elections of any ward, the mayor shall before any election is held in such ward, declare a vacancy in the third inspector's place in such ward, and shall thereupon fill such vacancy by appointing a legal voter residing in such ward and belonging to such minority party.

SEC. 13. In case of a vacancy in any ward office occasioned by death, removal from the ward or city, resignation, inability to serve, failure to elect or other cause, the same shall be filled by the mayor.

#### CHECK LISTS.

SEC. 14. Preceding each annual or special city or ward election to be held in said city, it shall be the duty of the board of aldermen to prepare full and complete lists of the voters in the respective wards of said city. One copy of such lists shall be posted by or under the direction of the city clerk in some public place in the respective wards of which the voters whose names are on such check list are residents at least twenty days previous to any such election.

SEC. 15. Whenever any check list of voters shall be posted in said city, a notice shall be written or printed thereon, signed by either the mayor or the city clerk, setting forth the time and place at which the board of aldermen will meet to make additions thereto or alterations or corrections therein, which time and place shall be previously determined by the board of aldermen; but no name shall be added except upon the personal or written application of the voter made to the board of aldermen.

SEC. 16. The board of aldermen shall pursuant to such notice meet to make additions to, or alterations and corrections



in said list; and no meeting of the board of aldermen for the correction of such lists shall be held later than five days previous to the day on which such annual or special city or ward election shall be held.

SEC. 17. It shall be the duty of the city clerk to cause the original of each and every check list of voters at any time ordered to be posted by the board of aldermen of said city, to be filed in his office with his certificate attached, that true copies of such lists have been posted as directed by the board of aldermen, together with the time and place in said city at which the same were posted, which certificate shall be prima facie evidence of such posting.

SEC. 18. After all such additions, alterations and corrections shall have been made by said board of aldermen, a true copy of such check lists shall be made by the city clerk and delivered to the inspectors of election in the several wards, for use at such annual city or ward election; and no person whose name is not on such list shall be allowed to vote at any such election.

#### METHOD OF CONDUCTING ELECTIONS.

SEC. 19. All annual and special elections shall be held in the several wards at nine o'clock in the forenoon, at such place as shall be designated in the warning therefor, and the polls shall be kept open until four o'clock in the afternoon of the same day, except elections of school commissioners.

SEC. 20. It shall be the duty of the clerk of each ward to keep a record of all elections held therein, and to furnish to each officer who shall have been elected for such ward, including aldermen, a certificate of his election, and also immediately after any election in such ward to return to the city clerk a statement of the votes for all officers in his ward, which statement shall be recorded in the city records, and a certificate by the city clerk of the result of such election in the whole city shall be forthwith published in the various newspapers of said city.

SEC. 21. It shall be the duty of the inspectors of election to be present, and preserve order at all elections in their respective wards, to decide all questions relative to the right of any person to vote at such election, to sort and count the ballots, and to publicly announce the result to the voters present. The inspectors shall select one of their number to preside at each election.

SEC. 22. For all city or ward elections, and also for the election of justices of the peace in said city, the city clerk shall prepare all official ballots in the same manner and subject to all

the provisions of the laws of this state providing for and regulating the preparation and distribution of official ballots in towns and cities; provided, however, that said clerk shall cause to be printed for every ward in said city not less than seventy-five votes for every fifty names or fractional part thereof on the voting list prepared and posted in such ward for any such election; and further provided, that said city clerk shall deliver to the inspectors of election in each ward at said city clerk's office on the day of such election and before the hour for opening the polls in said ward, such number of blocks of ballots containing one hundred each as shall nearest represent three-fourths of the whole number required to be printed for such ward, and shall retain the balance of the ballots for each ward so prepared by him.

SEC. 23. In case the inspectors of election in any ward for any cause shall require the ballots so belonging to such ward and retained by said city clerk or any part thereof, they shall notify him in writing. Said clerk shall thereupon forthwith transmit to said inspectors of election such part or all of said ballots so retained in his possession as said inspectors of election shall specify.

SEC. 24. The city clerk shall keep a record of the whole number of ballots so prepared and delivered; and said inspectors of election shall give to said city clerk, whenever any ballots are received by them, a receipt stating the number of ballots so received.

#### SPECIAL CITY MEETINGS.

SEC. 25. Special meetings of all the legal voters of said city, shall be called by the mayor on the petition of thirty legal voters for any legal purpose beyond the jurisdiction of the city council, said purpose to be set forth in the warning for said meeting. At such special meetings those persons whose names are on the check list used for the last city election shall be entitled to vote, and also such persons as were or have become entitled by law to have their names on such check list and whose names have been added thereto by the board of aldermen since said city election. The board of aldermen shall, if necessary, hold a meeting or meetings to make additions to said check list.

SEC. 26. The questions to be voted upon at any such special meeting shall be determined by ballot. There shall be separate polling places in each ward, for every such special meeting and the ward officers hereinbefore named shall act at such meeting in the same manner and have the same powers as at city or ward elections. For all such meetings it shall be the duty of the city clerk to prepare and distribute suitable ballots in the same manner hereinbefore provided in city and ward elections. Such meetings



shall be called at three o'clock in the afternoon of the day fixed therefor and the ballot boxes shall remain open not less than five hours.

#### FREEMEN'S MEETINGS.

SEC. 27. Freeman's meetings for all purposes provided by the laws of the state shall be warned by the mayor, and one copy of such warning, signed by the mayor, shall be posted in each ward of said city. Such meetings shall be held in the respective wards, and each freeman shall vote only in the ward of which he is an inhabitant at the time of the completion of the check list of voters therefor.

SEC. 28. Check lists of voters in the respective wards for each freeman's meeting shall be prepared, posted, corrected and furnished to the inspectors of election therein, in the manner herein provided for city elections; and elections at such freemen's meetings shall be conducted in the manner herein provided for city elections. No person whose name is not on such check list shall be allowed to vote at any freemen's meeting.

SEC. 29. In all respects not inconsistent with this act, the provisions of the general statutes respecting freemen's meetings shall apply to such meetings in said city.

SEC. 30. The inspectors of election and ward clerks in the several wards shall perform all and the same duties in regard to certifying the results of elections in their respective wards for state and county senators, justices of the peace, representatives to congress, electors of president and vice-president of the United States, as now devolve by law upon the presiding officers of freemen's meetings and town clerks respectively in towns; and in addition thereto they shall certify the same to the city clerk, who shall keep a record thereof.

#### CITY REPRESENTATIVE.

SEC. 31. At all freemen's meetings in said city, in which a representative to the general assembly shall be voted for, the inspectors of election in each ward shall immediately after the votes given in their respective wards for such representative, shall have been therein canvassed, make a list of all persons receiving votes for such office and the number of votes for each person so voted for; and said list shall be signed by said inspectors of election, and by the ward clerk if present. Such inspectors of election shall forthwith transmit such list to the city clerk, who shall file the same in his office and make a record thereof.

SEC. 32. The person receiving a majority of the votes cast for representative of said city to the general assembly shall

be such representative. The city clerk shall furnish to the person receiving such majority of the votes cast for representative in the whole city, a certificate of election, as is provided by law to be furnished by the presiding officers of freemen's meetings in towns.

SEC. 33. The city clerk, immediately after receiving from the inspectors of election in all the wards the lists above mentioned of the votes cast for representative in their respective wards, shall certify back to such inspectors in each ward the result of the election for city representative in the whole city and the freemen's meeting in each ward shall be held open until such result shall have been so certified back and such result shall be announced by such inspectors to the freemen present.

SEC. 34. If no person shall have received a majority of all the votes in the city for representative, the freemen shall proceed to vote again in their respective wards for such representative as aforesaid, and the results shall be certified to and by the city clerk as aforesaid, and so on from time to time successively, until an election shall be had; and at each successive balloting after the first the box shall not be turned until three hours from the time the city clerk shall certify back to the inspectors of election the result of the last preceding ballot.

### TITLE III.

#### CITY COUNCIL AND BOARD OF ALDERMEN.

##### ADMINISTRATION.

SEC. 35. The administration of all fiscal, prudential and municipal affairs of said city and the government thereof, shall be vested in the mayor, vice-mayor, board of aldermen and other boards and officers herein created. The board of aldermen shall consist of an alderman elected in each ward as hereinbefore provided and the mayor and board of aldermen in their joint capacity shall be called the city council.

##### MEETINGS OF THE CITY COUNCIL AND BOARD OF ALDERMEN.

SEC. 36. All meetings of the city council shall, unless otherwise provided, be convened in the same manner as herein provided for calling special meetings of the board of aldermen.

SEC. 37. Regular meetings of the board of aldermen shall be held on the first and third Mondays of each month.

SEC. 38. Special meetings of the board of aldermen may be called at any time by the mayor, and shall be called by the



clerk on petition signed by a majority of the aldermen and filed with said clerk. Notice of special meetings shall be served on the aldermen, unless service thereof shall be accepted by them, by some person appointed for such purpose by the one calling such meetings, by delivering to each alderman a true and attested copy of such call, or by leaving such copy at the place of his usual abode, with the return thereon of the person serving the same.

SEC. 39. All meetings of the board of aldermen shall be public except when assembled for executive business.

#### BOARD FOR THE ABATEMENT OF TAXES.

SEC. 40. The mayor, board of aldermen and assessors shall constitute a board for the abatement of taxes. Meetings of such board shall be convened in the manner herein prescribed for calling special meetings of the board of aldermen; and notice thereof, signed by the mayor or city clerk, shall be given to all taxpayers by publication for two successive days in all the daily newspapers printed in said city, the first of which publications shall be not more than ten days, and the last not more than three days, prior to such meeting.

#### BOARD OF CIVIL AUTHORITY.

SEC. 41. The city council shall constitute the board of civil authority for said city.

#### MAYOR TO PRESIDE AND VOTE.

SEC. 42. At all meetings of the board of civil authority, and of the board for the abatement of taxes, and in all proceedings by the city council for the purpose of taking lands or other property for public purposes, the mayor shall preside and shall vote as other members thereof.

#### VETO POWER OF MAYOR.

SEC. 43. For the enactment of all ordinances and by-laws and the transaction of any other business by the city council, the mayor shall not preside over or sit with the board of aldermen, and the action of the board of aldermen shall require the approval of the mayor except as herein otherwise provided.

SEC. 44. If the mayor shall approve any ordinance or by-law, or any resolution or vote of the board of aldermen in respect to the business above referred to, he shall sign the same. If he shall not approve the same he shall return it, with his ob-

jections in writing, to the board of aldermen at the next regular meeting thereof after it shall have been presented to him, provided that he shall have not less than ten days to consider such ordinance, by-law, resolution, or vote as aforesaid. The board of aldermen shall thereupon proceed to reconsider such ordinance, by-law, resolution or vote, and if, upon such reconsideration, two-thirds of the whole number of aldermen shall vote in favor of the same it shall be valid and take effect, notwithstanding the objections of the mayor.

SEC. 45. If any such ordinance, by-law, resolution or vote shall not be returned by the mayor to the board of aldermen at the next regular meeting of said board after the expiration of ten days from the time he shall have received it, the same shall be valid and take effect without his approval.

#### POWERS OF CITY COUNCIL.

SEC. 46. The city council shall have power:

I. To establish and regulate a market, and to regulate the selling or peddling of meat, fish or other provisions from vehicles about the city.

II. To restrain and prohibit all descriptions of gaming, and to order the destruction of all instruments and devices used for that purpose.

III. To regulate, license, tax or prohibit the exhibitions of common showmen, circuses, menageries and shows of every kind, and all plays, exhibitions or entertainments for money.

IV. To regulate, license, tax or prohibit itinerant vendors, peddlers and transient auctioneers; provided the city council shall not have the power to license, tax or prohibit a farmer selling the produce of his own farm.

V. To prevent riots, noises, disturbances or disorderly assemblages.

VI. To abate and remove nuisances.

VII. To restrain and suppress houses of ill-fame and disorderly houses, and to punish common prostitutes and persons consorting therewith.

VIII. To compel the owner or occupant of any unwholesome, noisome or offensive house or place, to remove or cleanse the same from time to time, so far as may be necessary for the health or comfort of the inhabitants of said city.

IX. To direct the location and management of all slaughter houses, markets, steam mills, blacksmith shops, sewers and all private drains, and to compel the construction of drains within



the limits of the city, under such inspection regulations as the city council may adopt.

X. To regulate the manufacture and the keeping of gun powder and all other combustible and dangerous materials.

XI. To regulate the construction, making, alterations and repairs of stove pipes, furnaces, fire-places and other things from which damage by fire may be apprehended, and also to regulate the use of buildings in crowded localities for hazardous purposes; to provide for the preservation of buildings from fires by precautionary measures and inspections.

XII. To establish and regulate a fire department and fire alarm system, and fire companies, except as herein otherwise provided.

XIII. To regulate the size, height, material and manner of the erection of new buildings, and the manner of constructing the same in said city, or in certain prescribed localities therein; and regulate the use of streets for building purposes.

XIV. To prescribe the duties and powers of inspectors of buildings and fire marshal; and to provide penalties for any refusal or neglect to comply with the orders of said inspectors and fire marshal made by virtue of any resolution or ordinance passed by said city council.

XV. To prevent immoderate riding or driving in the streets, and cruelty to animals.

XVI. To prevent encumbering the streets, sidewalks and public alleys with fire wood, lumber, carriages, boxes or other things.

XVII. To restrain and punish vagrants.

XVIII. To make regulations respecting paupers.

XIX. To restrain or regulate the running at large of cattle, horses, swine, sheep, goats and dogs. And in addition to the tax now imposed by the laws of this state upon the owner or keeper of dogs, to impose upon or require of the owner or keeper of any dog or dogs, such additional tax or a license fee for the keeping thereof, and prescribe such penalties in default thereof, as may be deemed necessary. And all moneys received hereunder shall be paid into the city treasury and belong to said city.

XX. To regulate and determine the time or place of bathing in any of the public waters within said city, or adjacent thereto, and to prevent the same.

XXI. To compel all persons to remove from the sidewalks and gutters in front of the premises owned or occupied by them, all snow, ice, dirt and garbage and to keep said owners' sidewalks and gutters clean, and to compel the owners or occupants of any land or premises in the city to cut and remove from the streets and sidewalks in front of such land or premises, all grass,

brush, thistles and weeds growing or being thereon, under such regulations as may be prescribed therefor, except as herein otherwise provided.

XXII. To license inn-keepers, keepers of saloons, victualling houses, billiard saloons, billiard tables, bowling alleys, places of amusement, pawn brokers and auctioneers, or to tax the same for the purpose of revenue, under such regulations as shall be prescribed therefor; and all moneys paid for such licenses or taxes shall belong to said city, and be paid into the city treasury.

XXIII. To regulate or restrain the use of rockets, squibs, fire crackers, or other fireworks in the streets or commons, and to prevent all practices therein having a tendency to injure or annoy persons passing therein, or to endanger the security of property.

XXIV. To regulate gauging; the place and manner of selling and weighing hay; packing, inspecting and branding beef, pork and produce; and of selling, measuring and weighing wood, lime and coal; and to appoint suitable persons to superintend and conduct the same.

XXV. To license porters, cartmen and the owners or drivers of hackney coaches, cabs or carriages, and to regulate their fees and prescribe their duties; and to rescind any license granted hereunder.

XXVI. To prohibit and punish willful injuries to shade, ornamental and fruit trees standing on public or private lands.

XXVII. To prevent and punish trespasses or wilful injuries to or upon public buildings, squares, commons, cemeteries, fountains, or other property.

XXVIII. To regulate the burial of the dead.

XXIX. To provide for returning certificates of all births, marriages, deaths and burials and keeping of a record thereof.

XXX. To regulate the time and manner in which examinations of public documents, land records and other records shall be made.

XXXI. To permit, regulate or prohibit the suspending or putting up of any sign or awning in or over any street, lane, alley, common or other public place in said city; and whenever the public good may require, to order and direct that any such sign or awning heretofore erected or suspended as aforesaid shall be changed, taken down or removed.

XXXII. To compel physicians, surgeons and others to report all contagious, infectious and pestilential diseases.

XXXIII. To compel the registration of physicians or persons practicing medicine, surgery or mid-wifery.

XXXIV. To provide for indexing any part or all of the records of deeds and of any or all public records of said city of



Rutland, and like records of the former town of Rutland, by the "card index" so-called, or any other like system. Such "card index" or other like system may be employed in addition to the manner of indexing now required by the laws of this state.

XXXV. To enact and enforce rules for its government and for the government of the board of aldermen.

SEC. 47. The city council may make, alter, amend or repeal any resolutions, by-laws, regulations and ordinances which it may deem necessary and proper for carrying into effect any of the powers conferred upon said city council by this act or for the well being of said city, and which shall not be inconsistent with this act or with the constitution or laws of the United States or of this state; and to provide penalties for the breach thereof; all of which by-laws, regulations and ordinances shall be duly published in one or more newspapers in said city, to be prescribed by the city council, at least twenty days before they shall take effect.

#### PENALTIES.

SEC. 48. If no penalty shall be fixed in any ordinance, regulation or by-law under which a person shall have been convicted, the court before which such conviction is had shall sentence such person to be confined at hard labor not to exceed ninety days, or to pay a fine not exceeding fifty dollars, and also to pay costs of prosecution in all cases; such court shall also fix an alternative sentence to be imposed in case said fine and costs or either of them shall not be paid, which alternative sentence shall not be for a longer period than ninety days.

SEC. 49. In all cases mentioned in the preceding section in which a term of imprisonment is fixed by the court either upon a direct or alternative sentence, the respondent shall be sentenced to be committed to the house of correction or Vermont industrial school in the same manner as upon convictions for violations of any state law.

SEC. 50. In any prosecution for a nuisance arising under this charter or under any lawful ordinance, regulation or by-law and resulting in a conviction, the court before which said conviction shall be had shall order the nuisance complained of to be removed or abated, and shall determine the expense of removing or abating the same and tax such expense as part of the costs of prosecution.

SEC. 51. The city council may provide penalties for the violation of any ordinance, regulation or by-law which it shall adopt; but such penalties shall not be greater than those pre-

scribed in the three preceding sections, and may be enforced in the same manner.

SEC. 52. A person violating any ordinance, regulation or by-law of said city, shall be liable in damages to said city or to the person who shall sustain damage as the direct result of said violation; such damages may be recovered in an action declaring upon such ordinance, regulation or by-law.

#### CITY PROPERTY, HOW SOLD OR LEASED.

SEC. 53. The city council may authorize the sale or lease of any real or personal estate belonging to said city, and all conveyances, grants or leases of any such real estate shall be signed by the mayor and be sealed with the city seal.

#### SEQUESTRATION OF LANDS.

SEC. 54. In establishing or enlarging public burial grounds within said city, the city council shall have the same power as is conferred by the general laws of the state upon selectmen, and shall proceed in the same manner, subject to the same right of appeal from its decision.

SEC. 55. In taking lands for the purposes of establishing, and maintaining reservoirs, aqueducts, water pipes, hydrants or any other apparatus necessary for such purposes, the city council shall proceed in the same manner in which selectmen of towns are authorized to proceed in the taking of lands for highways, and in performing all acts and doing all business in taking such lands the mayor shall vote as other members thereof. Any person owning or interested in such lands who is dissatisfied with the decision of the city council taking such lands or in awarding him damages therefor, may have the same proceedings in respect thereto which shall be conducted in the same manner and have the same effect, as if such lands were taken by selectmen in any town in this state for the purpose of laying out, altering or re-surveying a highway in said town; but if such proceedings are instituted only in respect to the appraisal of damages for lands so taken by the city council, such proceedings shall not prevent said city from establishing and maintaining reservoirs, aqueducts, water pipes, hydrants and other apparatus necessary for such purposes upon the lands so taken, as if no such proceedings had been instituted.

SEC. 56. In giving notice to all persons owning or interested in any lands to be taken for such purposes, the city council shall issue its citation, signed by the mayor or its clerk; said citation shall be served in the same manner, and the several officers



shall perform the same duties in respect thereto, as provided in this act for citations issued by street commissioners.

SEC. 57. The credit of the city other than by temporary loans not exceeding one hundred cents upon the dollar of the grand list of said city at the time shall not be pledged by the city council nor by any officer of said city unless by vote of the legal voters of said city at a meeting thereof duly called for that purpose.

SEC. 58. Whenever the legal voters of said city shall give authority to the city council thereof to pledge the credit of the city for any purpose, said city shall have power and authority to issue its negotiable orders, warrants, notes or bonds with interest coupons attached, to the amount, not to exceed the limit prescribed by law, for which the legal voters aforesaid shall have given authority to so pledge the credit of said city, such notes or bonds to be payable at such time and at such rate of interest as shall be established by said voters; or if no time and rate of interest are fixed thereby, the same shall be established by resolution of said city council.

SEC. 59. Bonds, orders, notes or warrants issued under the preceding section shall be signed by the mayor and countersigned by the treasurer of said city; and if interest coupons are attached thereto they shall be signed by the treasurer; and such bonds, orders, notes or warrants shall contain a statement that they are issued in conformity to the provisions of this act and shall specify the purpose for which they are issued; such statements shall have the same effect as provided in the case of bonds or notes issued to refund outstanding bonds or notes.

#### PUBLIC FRANCHISES.

SEC. 60. The city council shall have power to fix, demand, impose and enforce such terms, conditions and regulations for the use or occupation of any street or highway in said city by any street railroad, traction, telegraph, telephone, electric, gas, electric lighting, electric power, or other company or any person enjoying the privileges or exercising the functions of any such company aforesaid, as shall be just and reasonable, including any sum or sums of money to be paid to said city for the use of any street or highway by any or all of said companies for the purpose of laying, maintaining and operating any street railway therein, or for the purpose of therein erecting and maintaining any poles, wires or any other apparatus in or under the surface of said street; and to prohibit the use of such street by any such company or person until such terms have been complied with. In case any such company or person cannot agree with said city upon such terms, said company or person may apply by petition

to the county court within and for the county of Rutland, and said court shall thereupon after hearing all parties interested therein, fix such terms as shall be just and reasonable and make all necessary orders for carrying its decisions therein into effect. Provided, however, that no special franchise shall be granted by said city council for a longer term than twenty-five years, and further provided that at the expiration of any franchise, or at any time thereafter, the city shall have the right to acquire the title to and take over the property employed or used in the business for which such franchise was granted, upon the payment to the owner of the same of the fair value of the physical properties at that time employed or used in such business, and that in case the city is unable to agree with the owners as to the value of such physical property, then said property may be condemned and taken for public use, and the value thereof ascertained and awarded as compensation therefor to the owner of the same in the manner, as near as may be, provided in the general laws of the state for the determination of the damages to be awarded persons aggrieved or damaged by the construction or operation of a street railway, and further provided that the grant of every such special franchise shall contain provisions embodying the foregoing conditions and limitations.

#### CITY TREASURER.

SEC. 61. The city treasurer shall be the disbursing officer of the city. All bills legally contracted by any officer or board of said city shall be paid by warrant directed to said treasurer and drawn to the person to whom the city is indebted, except as herein otherwise provided. Such warrant shall show upon its face the indebtedness for which it is drawn and shall refer to the appropriation by the authority of which such indebtedness was incurred. Such warrant shall be drawn by the city clerk and approved by the officer or a majority of the board of said city authorized to expend the same, except as herein otherwise provided. All vouchers for such warrants shall be kept on file in the office of the city clerk. No money shall be paid out of the city treasury except in accordance with the appropriations of the board of aldermen and in accordance with the foregoing provisions.

SEC. 62. A full record of expenditures shall be kept by said treasurer, which shall show at all times the amount of every warrant paid under the authority of each appropriation of the board of aldermen.

SEC. 63. A full record of expenditures shall be kept; and a clear statement of the affairs of the city generally, including all receipts and disbursements of city moneys and the name and



amount of compensation for services from the city of every person receiving such compensation by way of salary or otherwise to the amount of three hundred dollars or more per year, shall be annually published under the direction of the mayor at least two weeks before the annual city election and any city officials responsible in whole or in part for a failure to substantially comply with the provisions of this section shall be ineligible to hold office under the authority of this charter for the year next ensuing after such failure so to comply with the provisions of this section.

SEC. 64. No board or officer of said city shall incur any indebtedness nor enter into any contract in behalf of said city requiring the payment of money, unless such indebtedness or such contract is provided for in the previous appropriations of the board of aldermen, except as herein otherwise provided.

#### SELECTION OF JURORS.

SEC. 65. At any meeting of the board of aldermen in the month of February in each year, such number of grand and petit jurors shall be chosen to attend the Rutland county court for the year ensuing as said board shall judge will be the proportion of said city, to be drawn according to law.

SEC. 66. The city clerk shall within five days thereafter return by mail to the clerk of said county court a certificate containing the full names of the persons so chosen, and the post-office address of each.

#### TITLE IV.

#### TAXATION—GRAND LIST.

SEC. 67. The grand list in said city, when completed, shall contain the following:

- I. The name of said taxable person.
- II. The ward in which he resides, if a resident in said city.
- III. The number and name of the street of his residence.
- IV. The amount at which such person's poll is set in the list.
- V. A description of all real estate owned by such person; but such real estate shall not be classified as provided in section 388 of the Vermont Statutes.
- VI. The total value of all such real estate not exempt from taxation.
- VII. The value of such person's personal estate taxable in said city, after making all deductions for debts owing and other exemptions allowed by law.

VIII. The sum obtained by adding the poll, if any, to one per cent. of the value of such person's real and personal estate.

SEC. 68. The books provided for such grand list shall contain in addition to the columns necessary to contain the particulars mentioned in the preceding section, two other columns which shall be designated in said book by the word "abstract" at the head thereof. One of said columns marked "abstract" shall precede the column in which the value of each separate piece or parcel of real estate not exempt from taxation shall appear in said grand list; and the second of said columns so designated shall precede the column in which the valuation of all taxable personal estate shall appear in said grand list.

SEC. 69. The assessors shall arrange in alphabetical order in a book or books to be used for such grand list and containing the two columns marked "abstract" as hereinbefore provided, the names of all taxpayers of said city; the number of the ward in which each of said taxpayers, if an inhabitant, resides; the street and number of his residence; the amount at which the poll of any such person shall be set in the grand list; a description and the appraisal of each separate piece or parcel of real estate not exempt, and the amount of each person's personal estate taxable in said city. The appraisals of the real and personal estate last above named shall first be set in the columns marked "abstract."

SEC. 70. Said book so made up shall also contain a certificate signed by said assessors, that they have set down in said book, according to their best information and belief, all the taxable polls in said city; all the real estate situate therein not exempt from taxation, and that they have appraised all additions thereto and made all deductions therefrom required by law; and that they have set down therein the amount of the taxable personal estate of each person named therein.

#### ABSTRACT OF GRAND LIST.

SEC. 71. Said book so made up shall be known and designated as an abstract of the individual lists of all taxpayers of said city; and shall contain a notice that such abstract will be made the grand list of said city and of each person therein named, unless cause to the contrary is shown to said assessors on or before the 26th day of May in said year, and that said assessors will meet at their office in said city from day to day from the 21st day of May till the 26th day of the same May, to hear all grievances and make corrections in said abstract and that no hearing will be had before them later than said 26th day of May.



SEC. 72. Said abstracts so made up and containing said certificate of notice shall be completed on or before the twentieth day of May in each year, and shall be lodged in the office of said assessors and be open to the inspection of all taxpayers in said city.

SEC. 73. Notice signed by said assessors shall be posted in at least five public places in said city stating that said abstract shall be open for such inspection in said assessors' office from the twenty-first to the twenty-sixth day of May, and that during such time said assessors will hear all persons aggrieved who desire to be heard by them, and make all necessary changes in said abstract.

#### HEARING OF GRIEVANCES AND APPEALS.

SEC. 74. Any person who feels aggrieved by the action of said assessors and that desires to be heard by them, shall appear before them within the time hereinbefore prescribed for said hearing.

SEC. 75. A person aggrieved by the decisions of the assessors may appeal to the board of civil authority on or before the first day of June, by filing with the clerk of said city a statement of his grievance; such person shall also notify said assessors in writing of his appeal.

SEC. 76. Said board of civil authority shall hear and determine such appeal and may order the list to be made in accordance with its decision. No hearing before said board shall be had later than the fifth day of June. Such hearing and appeal shall be conducted in the same manner and be subject to the same regulations, restrictions and conditions provided in the general laws of this state for such proceedings, except as to the time of said hearing.

SEC. 77. No alteration shall be made by the assessors or board of civil authority in the figures opposite each taxpayer's name in the columns marked "Abstract," except by inserting in the proper columns the valuations finally determined upon.

SEC. 78. As soon as practicable after the twenty-sixth day of May the assessors shall carry out the proper amounts in the columns provided for said grand list and complete the list of all taxpayers who have not appeared before said board to be heard upon any grievance as hereinbefore provided; and shall also, as soon as practicable after the first day of June, so carry out and complete all lists of persons who have been heard on any grievance by said assessors or board of civil authority; they shall make all computations and footings as soon as practicable and make oath to said list so completed as provided in the general law of this state, and file the same in the city clerk's office on or be-

fore the fifteenth day of June; and said list so completed shall be the grand list of said city for the purpose of raising all taxes thereon prior to the fifteenth day of June in the year next ensuing.

SEC. 79. In making returns of the abstract of said grand list to the secretary of state the city clerk shall not be required to make a statement of the amount of real estate of the first and second classes as now defined by statute; and no further abstract of the individual lists of the taxpayers in said city than that hereinbefore provided for shall be required.

SEC. 80. Said board of civil authority shall transmit to said board of assessors a certified copy of its proceedings in such appeals, and said copy shall be recorded at length in the book containing said grand list, and the valuations and lists shall be made in compliance with such copy of proceedings.

#### ASSESSMENT OF TAXES.

SEC. 81. The city council shall annually assess on the grand list of said city a tax sufficient to pay all state, county and other taxes herein mentioned and for such other purposes as are herein provided.

SEC. 82. The city council may, in addition to the taxes required by the laws of this state to be raised upon the grand list of said city, annually assess upon such grand list a tax for city purposes, which shall not exceed one hundred and fifty cents upon the dollar thereof; and may assess a larger sum for such purposes when authorized so to do by the legal voters of said city in a meeting duly warned for that purpose; but the tax last above provided for shall not include the tax annually assessed upon such grand list for the support of schools in said city.

SEC. 83. Said city council may also annually assess upon the grand list of said city a tax not exceeding fifteen cents upon the dollar thereof, the proceeds of which tax shall be applied for the redemption of the bonded debt of the city.

SEC. 84. The city council shall annually assess a tax sufficient to meet the appropriation made for the use of schools; but such sum shall not exceed the amount which would be raised by a tax of fifty cents upon the dollar of the grand list of said city, except when a larger sum shall be authorized by the legal voters thereof.

#### COLLECTION OF TAXES.

SEC. 85. All taxes assessed upon the grand list of said city shall be paid in money.



SEC. 86. Whenever any tax shall be assessed by the city council, the tax-bill shall be delivered to the city treasurer, to whom the taxes so assessed shall be paid.

SEC. 87. The city treasurer shall forthwith give notice thereof, by publication in all the daily and weekly newspapers published in said city, for the period of eight days immediately succeeding the time when such tax-bill shall have been delivered to him. In such notice the time shall be designated when, according to this act, all unpaid taxes on such tax-bill will be placed in the hands of the constable for collection as hereinafter mentioned.

SEC. 88. If at the expiration of forty days from the time said tax-bill shall have been delivered to said treasurer, any person against whom a tax has been so assessed shall be delinquent in the payment thereof, the tax due from him on such bill shall thereafter be deemed to be the amount of the original tax assessed against him, increased by five per cent. thereof and ten cents for the insertion of his name in the warrant hereafter mentioned.

SEC. 89. The treasurer shall thereupon issue his warrant against such delinquent persons for the collection from them of the amount so due and determined, which warrant shall be returnable to such city treasurer in ninety days from its date, and shall be addressed and delivered to the constable of said city.

SEC. 90. It shall be the duty of such constable to collect all legal taxes contained in such tax-bill, the amount thereof being determined as hereinbefore provided, and pay the same to the city treasurer on or before the time when such warrant is made returnable, subject to such deduction as may be made by the board for the abatement of taxes.

SEC. 91. The city council may extend the time for the collection and payment of such taxes so determined, and for the return of any such warrant by such constable, as in its judgment shall be proper, not exceeding three years in the whole.

SEC. 92. Such constable shall proceed in the same manner, perform the same duties, be subject to the same liabilities, have the same power, authority and privileges touching the collection of said taxes determined as aforesaid as prescribed by the general laws of this state in regard to the collection of taxes by constables or collectors of taxes in towns.

SEC. 93. Said constable shall be entitled to the same fees for the collection of such taxes so determined, and for the service of such warrant on the respective delinquent taxpayers, as are allowed by the laws of this state to collectors of taxes in towns. Such fees shall be collected of such delinquent taxpayers by said constable, and shall be the only compensation allowed him for

the collection of said taxes so determined, the payment thereof to the city treasurer and the service of said warrant.

## TITLE V.

### OFFICERS—MAYOR.

SEC. 94. The mayor shall be the chief executive officer of said city. He shall use his best efforts to see that the laws and city ordinances are enforced and that the duties of all subordinate officers are faithfully performed. He shall take care that the funds of the city are properly expended, and shall recommend to the consideration of the board of aldermen whatever measure he may deem necessary for the prudent and efficient management of the affairs of the city.

SEC. 95. In case of the absence of the mayor from the city or his inability to serve, the vice-mayor shall act as mayor. It shall be the duty of the mayor to give the city clerk due notice of the absence of the mayor from the city and of his return, and said city clerk shall duly notify the vice-mayor thereof. In case of the absence from the city or inability to serve of the vice-mayor, the board of aldermen shall designate one of their number to act as mayor.

SEC. 96. The mayor shall have power to administer oaths in all cases proper for the administration of an oath before the city council, and official oaths to the several officers of said city when such oaths are required by law; and the presiding officer of the board of aldermen shall have like power, in all cases proper for the administration of an oath before the board of aldermen.

SEC. 97. The mayor, with the consent of the board of aldermen, shall have power to remit fines and costs, in whole or in part, in cases where the same are payable into the city treasury, and shall cause the reason for such remission to be entered out on the city records.

### BOARDS ESTABLISHED.

SEC. 98. There shall be maintained in said city a board of public works, a board of public safety, a board of assessors, a board of cemetery and park commissioners, a board of health and charities, a board of sinking fund commissioners; a board of school commissioners and a board of finance to be constituted as herein provided.



SEC. 86. Whenever any tax shall be assessed by the city council, the tax-bill shall be delivered to the city treasurer, to whom the taxes so assessed shall be paid.

SEC. 87. The city treasurer shall forthwith give notice thereof, by publication in all the daily and weekly newspapers published in said city, for the period of eight days immediately succeeding the time when such tax-bill shall have been delivered to him. In such notice the time shall be designated when, according to this act, all unpaid taxes on such tax-bill will be placed in the hands of the constable for collection as hereinafter mentioned.

SEC. 88. If at the expiration of forty days from the time said tax-bill shall have been delivered to said treasurer, any person against whom a tax has been so assessed shall be delinquent in the payment thereof, the tax due from him on such bill shall thereafter be deemed to be the amount of the original tax assessed against him, increased by five per cent. thereof and ten cents for the insertion of his name in the warrant hereafter mentioned.

SEC. 89. The treasurer shall thereupon issue his warrant against such delinquent persons for the collection from them of the amount so due and determined, which warrant shall be returnable to such city treasurer in ninety days from its date, and shall be addressed and delivered to the constable of said city.

SEC. 90. It shall be the duty of such constable to collect all legal taxes contained in such tax-bill, the amount thereof being determined as hereinbefore provided, and pay the same to the city treasurer on or before the time when such warrant is made returnable, subject to such deduction as may be made by the board for the abatement of taxes.

SEC. 91. The city council may extend the time for the collection and payment of such taxes so determined, and for the return of any such warrant by such constable, as in its judgment shall be proper, not exceeding three years in the whole.

SEC. 92. Such constable shall proceed in the same manner, perform the same duties, be subject to the same liabilities, have the same power, authority and privileges touching the collection of said taxes determined as aforesaid as prescribed by the general laws of this state in regard to the collection of taxes by constables or collectors of taxes in towns.

SEC. 93. Said constable shall be entitled to the same fees for the collection of such taxes so determined, and for the service of such warrant on the respective delinquent taxpayers, as are allowed by the laws of this state to collectors of taxes in towns. Such fees shall be collected of such delinquent taxpayers by said constable, and shall be the only compensation allowed him for

the collection of said taxes so determined, the payment thereof to the city treasurer and the service of said warrant.

## TITLE V.

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SEC. 95. In case of the absence of the mayor from the city or his inability to serve, the vice-mayor shall act as mayor. It shall be the duty of the mayor to give the city clerk due notice of the absence of the mayor from the city and of his return, and said city clerk shall duly notify the vice-mayor thereof. In case of the absence from the city or inability to serve of the vice-mayor, the board of aldermen shall designate one of their number to act as mayor.

SEC. 96. The mayor shall have power to administer oaths in all cases proper for the administration of an oath before the city council, and official oaths to the several officers of said city when such oaths are required by law; and the presiding officer of the board of aldermen shall have like power, in all cases proper for the administration of an oath before the board of aldermen.

SEC. 97. The mayor, with the consent of the board of aldermen, shall have power to remit fines and costs, in whole or in part, in cases where the same are payable into the city treasury, and shall cause the reason for such remission to be entered out on the city records.

### BOARDS ESTABLISHED.

SEC. 98. There shall be maintained in said city a board of public works, a board of public safety, a board of assessors, a board of cemetery and park commissioners, a board of health and charities, a board of sinking fund commissioners; a board of school commissioners and a board of finance to be constituted as herein provided.



## OFFICERS APPOINTED BY CITY COUNCIL.

SEC. 99. The city council shall annually in the month of March appoint a city clerk, a city attorney, a city constable, a city grand juror, a purchasing agent, a sinking fund commissioner, a member of the board of public safety, a member of the board of public works, a cemetery and park commissioner and a member of the board of health and charities. The city council may appoint such subordinate officers as may be elected or appointed by towns or authorized by any lawful ordinance made under this charter, the appointment of which is not herein otherwise provided for.

## OFFICERS APPOINTED BY MAYOR.

SEC. 100. In all cases in which appointments are to be made, by the city council, the mayor shall have the power of nomination, which nomination shall be subject to confirmation by the board of aldermen. If a person so nominated is not confirmed the mayor shall nominate another person for such office within one month and in case he fails to do so within said period the board of aldermen may proceed to make such appointment, which appointment shall be valid without the consent of the mayor.

SEC. 101. The appointment of the first members of the several boards hereby newly created shall be as follows: one member of the board of public safety, one member of the board of public works, one cemetery and park commissioner and one member of the board of health and charities shall be appointed by the city council in the month of March, 1907, to serve for the term of three years from the first day of April, 1907; one member to serve for the term of two years from said first day of April, 1907; and one member to serve for the term of one year from said first day of April, 1907.

## TERMS OF OFFICE.

SEC. 102. The mayor, vice-mayor, members of the board of aldermen and the various ward officers shall, except as herein otherwise provided, hold office from the time they are elected and qualified for the terms for which they are respectively elected, and until their successors are elected and qualified.

SEC. 103. Each member of the board of public works, member of the board of public safety, cemetery and park commissioner, health and charities and sinking fund commissioner, shall hold office for the term of three years from the first day of April of the year of his appointment, and until his successor is appointed and qualified, except as herein otherwise provided. Each assessor shall hold office for three years from the first day of April following his election and until his successor is elected and qualified.

SEC. 104. All officers whose terms of office are not herein or by general law otherwise specified shall except as herein otherwise provided, hold their offices for the specified terms from the first day of April of the year of their appointment, and until their successors are appointed and qualified.

SEC. 105. In case of a vacancy in the office of mayor occasioned by death, resignation, removal from said city, permanent inability to serve, failure to elect or disqualification of the person chosen, the vice-mayor shall act as mayor for the remainder of the mayor's official term, and in case any of the causes above mentioned prevent the vice-mayor from serving as mayor when it becomes necessary for him to do so, the board of aldermen shall designate one of their number to act as mayor. In case of any vacancy in the board of aldermen from any of the above mentioned causes, the same shall be filled until the next annual city election by appointment by the board of aldermen, and at such annual city election such vacancy shall be filled by an election in the proper ward.

## REMOVALS FROM OFFICE AND FILLING VACANCIES.

SEC. 106. The city council shall have power for such causes of incapacity, negligence or bad conduct as to it shall seem sufficient to suspend or remove from any office any city officer who may be appointed by the city council and to fill all vacancies thereby created. And the mayor and each board shall have like power of removal in respect to any officer who may be elected or appointed by them, except as herein otherwise provided.

SEC. 107. In case of a vacancy for any cause in any office referred to in the preceding section, such vacancy shall be filled in the manner herein provided for appointment thereto, but only for the unexpired term in which such vacancy shall occur.



MAYOR, VICE-MAYOR AND ALDERMEN NOT TO HOLD OTHER CITY OFFICES.

SEC. 108. The mayor, vice-mayor and aldermen shall not hold any other city office while serving as mayor, vice-mayor or aldermen, except as herein otherwise provided.

COMPENSATION TO CITY OFFICERS.

SEC. 109. The mayor shall receive such annual compensation as shall be voted him by the board of aldermen. The city council shall fix the compensation of all other city officers, except as herein otherwise provided. The aldermen, commissioners of public works, public safety, cemeteries and park and health and charities shall receive no compensation for their services.

CONTRACT BETWEEN CITY AND OFFICERS.

SEC. 110. No city officer shall be directly or indirectly interested in any contract with said city for an amount in excess of twenty-five dollars or furnish any material, or perform any labor, except in the discharge of his official duties, for which said city officer shall receive a sum in excess of twenty-five dollars unless such contract shall have been awarded upon bids advertised for by publication in two issues of at least two newspapers printed in said city at least six days previous to the opening of such bids.

BONDS OF CITY OFFICERS.

SEC. 111. The treasurer and all other city officers who receive or disburse any of the funds of the city shall annually, before entering upon the duties of their office, give bonds to the city in amount satisfactory to the board of aldermen for the faithful discharge of their respective duties.

SEC. 112. All city officers from whom bonds are required shall furnish bonds of a surety company satisfactory to the board of aldermen. The city treasurer shall pay one-half the cost of such bonds from the money appropriated for incidental expenses, and the officers shall pay the other half of the cost of their respective bonds.

SEC. 113. In case of the neglect of any officer to give bonds as above specified after ten days' notice from the board of aldermen that he is required so to do, his office shall thereupon become vacant and the vacancy shall be filled as hereinbefore provided.

OATH OF OFFICERS.

SEC. 114. All officers of the city shall, before assuming office, take, subscribe, and file with the city clerk the following oath: I solemnly swear that I will faithfully execute the office, (duty or trust) of \_\_\_\_\_ of the city of Rutland to the best of my judgment and abilities, according to law, so help me God.

APPOINTIVE OFFICERS AND THEIR DUTIES.

SEC. 115. The city clerk shall perform for said city the same duties devolving by the law of this state upon town clerks, except in so far as the same are changed or modified by the provisions of this act, and shall receive the same fees therefor. He shall be ex-officio clerk of the city council, board of aldermen, board of civil authority, board for the abatement of taxes, board of finance, board of public safety, board of public works, board of health and charities and board of cemetery and park commissioners. He shall have exclusive charge and custody of the public records of said city and of all records, papers and documents belonging to the town of Rutland at the time the city of Rutland was organized.

SEC. 116. Such records shall not be taken out of or away from said city clerk's office except upon the order or process of a court of competent jurisdiction, but said city council may by ordinance or by-law regulate the removal from said office of all papers and documents belonging to said city and in the custody of said city clerk as aforesaid.

SEC. 117. Said clerk shall, on being tendered therefor the fees allowed town clerks under the law of this state for similar services make duly certified copies of said records, papers and documents, and such copies so certified shall be legal evidence, of the same validity and effect as those of town clerks, in all courts and for all purposes.

SEC. 118. Whenever any notice signed by the mayor, city council, board of aldermen, or any city officer or officers, or any advertisement, ordinance, resolution or by-law shall have been published in some newspaper or publicly posted under the provisions of the general law, this charter or the ordinances thereby authorized, the city clerk shall examine and ascertain whether such notice, advertisement or ordinance has been duly published or posted, and if such be the fact he shall so certify upon the proper city record; and such record or a duly certified copy thereof shall be treated as prima facie evidence of the facts so certified.



SEC. 119. The city treasurer shall have the same powers and be subject to the same liabilities, as are prescribed by the laws of this state for town treasurers; shall perform all the duties relating to the issuing and paying of school bonds, and bonds to retire outstanding indebtedness, and such other duties as are herein specified.

SEC. 120. The city treasurer shall keep a record of every note or bond issued under the provisions of this act, therein stating the number and the denomination of each note or bond, when and where payable, to whom and for what purpose issued, and the rate of interest thereon; and shall also keep a record of payments thereon of principal and interest; and if coupons are taken up, shall cancel and preserve the same.

SEC. 121. The city treasurer shall keep a record of all school bonds, the issuance, payment and discharge thereof, as hereinbefore provided for other bonds issued by said city.

SEC. 122. When old notes or bonds are taken up, by exchange or by sale of the new notes or bonds, the treasurer shall keep a record of the same and such old notes or bonds shall be canceled and filed in his office.

SEC. 123. The city attorney shall be corporation counsel and shall prosecute and defend in behalf of said city all suits in which said city is interested; and may prosecute all violations of the city ordinances and by-laws. Said city attorney is also authorized to file informations and complaints in criminal causes in the city court, or before any justice of the peace in said city, and prosecute the same to final judgment.

SEC. 124. The city attorney shall be subject to all and the same penalties imposed by the law of this state upon state's attorneys for any neglect or violation of official duty.

SEC. 125. The assessors shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subjected to the same liabilities as are prescribed for listers, except as herein otherwise provided. They shall also be members of the board for the abatement of taxes.

SEC. 126. The city grand juror shall have the same powers, perform the same duties and incur the same liabilities, as grand jurors in towns. The city grand juror may also prosecute before the city court violations of the ordinances, regulations and by-laws of said city.

SEC. 127. The city constable shall have the same powers, perform the same duties and be under the same liabilities, as are prescribed by the law of this state for constables of towns, and the said constable shall have the same powers as sheriffs in suppressing riots and all unlawful assemblages, and of arresting without warrant all persons disturbing the peace, and shall forth-

with bring them before the city court of said city or detain them in custody until such court can be held; and said court may proceed summarily to hear and determine all such cases, and said court shall have exclusive jurisdiction of all offenses when arrests are made by said city constable or by any police officer of said city, with or without warrant.

## TITLE VI.

### EXECUTIVE DEPARTMENT—FINANCE DEPARTMENT.

SEC. 128. The mayor shall, ex-officio, be chairman of the board of finance and together with the vice-mayor and city treasurer, shall constitute said board of finance.

SEC. 129. The board of finance shall also act as a board of audit. They shall establish, and each department shall adopt, such system of accounting and auditing for each department of the city government, as will give uniform and reliable methods for transacting the business of the city.

SEC. 130. The board of finance shall provide for regular monthly reports to be made by each department to the board of finance and to the board of aldermen. The board of aldermen shall provide for the annual auditing of the books of each department, by a competent professional auditor.

SEC. 131. It shall be the duty of each board and officer who is authorized to expend any money or incur any indebtedness which shall be chargeable to said city, to prepare and submit to the board of finance on or before the fifteenth day of November in each year, estimates of the whole expense of maintaining each department under the charge of any such officer or board for the year ensuing from the first day of the following January. Such estimates shall be separate for each department and shall specify in detail the objects of the expenditures, the sum desired for each, and any special reasons the officer or board may have for desiring the same.

SEC. 132. The board of finance shall annually on or before the first Monday in December prepare an estimate of the necessary appropriations to cover the expenses of each department and branch of the city government, to be known as the budget, and shall submit such budget to the board of aldermen for their guidance and action in making the annual appropriations and the tax levy. The board of aldermen may reduce the items of such budget but shall not increase them.



SEC. 133. The board of aldermen shall make the annual appropriations for each department before the first day of January following the submission of the budget for their consideration. All votes or resolutions providing for the annual appropriations of any year shall cease to be operative on the 1st day of January following the adoption of such votes or resolutions.

SEC. 134. The board of finance shall annually in the month of December procure from chartered banks of known reliability and sufficient capital their offer to act as depositary for the city moneys and the terms upon which they will receive such moneys and also the terms upon which they will furnish money upon such temporary loans to the city as the city council from time to time may authorize. They shall by vote appoint such banks as depositary as shall appear to be for the best interest of the city.

SEC. 135. The board of finance shall also have the care and control of all public buildings not specifically in charge of any other department of the city. They shall appoint such janitors or employ such persons as may be required for the proper care of the buildings, and may prescribe their salaries and define their duties.

SEC. 136. The board of finance may cause such repairs or enlargements to be made to said buildings provided, however, that when the estimated cost of any such repairs or enlargements exceed \$100, they shall make report thereon to the board of aldermen for their approval before any expenditure shall be made for such purpose.

SEC. 137. The board of finance may, with approval of the board of aldermen, rent such portion of the public buildings, for terms not exceeding four years, to such public officers or private persons as to them shall seem for the best interests of the said city.

SEC. 138. The board of finance shall cause full and accurate records of all meetings thereof and all business transacted by said board to be kept by the clerk of said board. The records and books of said board shall be always open to the inspection of any member of the board of aldermen.

#### SINKING FUNDS.

SEC. 139. The board of sinking fund commissioners shall have the control and management of all sinking funds established for the redemption of any bonds, notes, or funded orders heretofore issued by the village of Rutland or by the city of Rutland, or by the town of Rutland prior to March 7, 1893, and for which said city may be liable, or which may be hereafter issued by the city of Rutland, and shall promptly invest all

moneys received by it from any source in bonds, notes or orders of the city of Rutland, which said fund is created to pay or in other safe and productive securities; and all notes, orders and other bonds which shall be purchased by said board shall be endorsed or made payable to said board in such manner as to prevent the sale, negotiation or payment thereof, except by order of said board. No moneys received by said board shall be invested in any bonds, notes, orders or other obligations of the city of Rutland, except such as said sinking fund is created to pay.

SEC. 140. Said board shall keep a full record of all its meetings and proceedings, and shall make a report in writing to the city council during the month of January in each year, showing the changes, if any, in the several sinking funds, and the condition and manner of investment of each of said funds. The records and books of said board shall be always open to the inspection of any member of the board of finance or of the board of aldermen.

SEC. 141. No investment, or change of investment of securities held, shall be made except by vote of a majority of the board, and the members of the board shall, by their signatures upon the record book of said board express their approval or disapproval of such vote.

SEC. 142. Said board shall have all the powers and perform all the duties devolving by law upon the board of trustees of public funds of towns.

#### DEPARTMENT OF PUBLIC SAFETY.

SEC. 143. It shall be the duty of the board of public safety to take all proper measures to conserve the public peace and safety of the city and the people and property therein, and to see to the enforcement of all laws, ordinances and regulations affecting the same. The board of public safety shall have the management and control of the police department and of the fire department of said city, and all the powers and duties connected with and incident to the government and discipline of said departments shall be vested in and exercised by said board, a majority of whom shall constitute a quorum for the transaction of business.

SEC. 144. Said board shall be provided with suitable office room in the city hall by the city council, and the said board shall hold therein regular meetings at least once in two weeks and may hold such special meetings as it may from time to time provide, and shall keep full and accurate records of all meetings and of all business transacted by it. A detailed account of all



expenditures shall be kept by said board, which shall show at all times the amount of each indebtedness incurred and each warrant authorized by said board under the authority of each appropriation for the use of said board.

#### POLICE DEPARTMENT.

SEC. 145. Said board shall appoint from among the legal voters of said city a chief of police and such regular police officers as in the judgment of said board may be required, who shall hold their positions during good behavior and so long as they shall render efficient service. Said board shall have power to remove the chief of police and any regular police officer at any time by the unanimous vote of all the members of said board, upon sufficient cause shown, which shall be clearly set forth in the records of said board.

SEC. 146. Said board shall also have full power to appoint such special police officers as in its judgment may be required, for a term not exceeding one year, and may remove any of such officers at any time. Whenever it may seem proper to said board, it may appoint, for a term not exceeding one year, any number of special police officers to do duty within the city, upon the application of any person or persons showing the necessity therefor, but at the expense of such person or persons; the special police officers appointed may be removed by said board at any time.

SEC. 147. The chief of police, all regular police officers and such special officers as may be authorized by said board for the purpose shall have authority to serve, anywhere within the state, and return process in criminal causes, returnable to the city court, and for such duties there shall be taken and allowed the fees provided by law to a sheriff for similar services.

SEC. 148. The chief of police and all police officers shall have the same powers as sheriffs in suppressing riots and all unlawful assemblages, and shall also have the power, in addition to the powers, duties and authority possessed by them at common law and the laws of this state in matters of criminal nature, to arrest without warrant all persons engaged in the presence of the arresting officer in the violation of any law or ordinance or the commission of any crime, and shall bring them before the city court forthwith, or detain them in the county or city jail until said court can be held; and said court may proceed summarily to hear and determine all such cases. And said court shall have exclusive jurisdiction of all offenses when arrests are made by any police officer of said city, with or without warrant.

SEC. 149. The compensation of all police officers, including that of the chief of police, shall be fixed by said board and all fees accruing to them under the laws of the state or the provisions of this act shall belong to said city and shall be paid into the city treasury by the court taxing the same.

SEC. 150. Said board shall have power and it shall be its duty to make all such rules and regulations for the government of said police department as it may deem best calculated to secure thoroughness and efficiency. It shall establish proper regulations for the care and management of all police stations for the accommodation of the police force, for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offenses. Said board may prescribe and enforce reasonable and legal fines and penalties, which may take the form of suspension from duty without pay, for the breach of any of the rules and regulations established by it on the part of any of its appointees in said police department.

#### TO BE NON-PARTISAN.

SEC. 151. No person, while chief of police, or other member of the regular police force of the city of Rutland, shall act as executive committeeman, attend any political convention as a delegate, participate in any manner whatever in any canvass in behalf of or against any candidate for any city, county, state or national office, hold tickets or canvass votes at any election, or take any part whatever in political matters other than to exercise a right of suffrage; and no person shall be appointed to or retained in the department as a reward for political service rendered, nor in any manner be discriminated against because of his failure to render such service.

#### SEALING OF WEIGHTS AND MEASURES.

SEC. 152. The said board shall designate one of its regular or special police officers as a sealer of weights and measures, and such officer shall be known as the "sealer of weights and measures." The said sealer of weights and measures shall try and prove all scales, beams, weights and measures used in said city for the purpose of buying and selling, and shall perform all of the duties required by the ordinances of the city. It shall be the duty of said sealer of weights and measures to report each and every violation of such ordinances or of the law of the state of Vermont relative to weights and measures to said board and to the city grand juror and city attorney.



## INSPECTION OF BUILDINGS.

SEC. 153. No person shall erect, move, reconstruct or materially change any building of any description in said city without first making written application to the clerk of said board of public safety in accordance with the ordinances of said city and obtaining the written permit of said board.

SEC. 154. The said board shall annually appoint a competent and suitable inspector of buildings, who shall also be appointed as a special police officer, and may remove such inspector at any time. It shall be the duty of such inspector to examine into and report to said board upon every application for a building permit, with his recommendation or disapproval thereon, and to see that all buildings erected, moved, reconstructed or materially changed in said city are so erected, moved, reconstructed or materially changed in accordance with the ordinances of said city and the permits of said board, and not otherwise. He shall perform any other and further services which may be required of him by said board or by the ordinances of said city.

## FIRE DEPARTMENT.

SEC. 155. There shall be maintained at all times in said city an efficient and properly equipped fire department for the protection of the lives and property of its citizens from danger by fire. The board of public safety shall appoint a chief engineer of said fire department and such assistant engineers as in the judgment of said board may be required, and as many permanent firemen, who shall devote all their time to the service of the department as in the judgment of said board may be required, all of whom shall hold their positions during good behavior and so long as they shall render efficient service. Said board shall have power to remove any appointee of said board mentioned in this section at any time by the unanimous vote of all the members of said board upon sufficient cause shown, which shall be clearly set forth in the records of said board.

SEC. 156. Said board shall also appoint a superintendent of fire alarm telegraph, such call firemen and such other members of said department as in its judgment may be required, any of whom may be removed by said board at any time. Said board may employ temporarily any men who may be needed because of any emergency, the payment of whom shall be provided for by the board of aldermen upon recommendation of the board of finance.

SEC. 157. Said board shall have entire charge of all fire stations, fire apparatus, fire alarm telegraph and all other prop-

erty of whatever nature connected with the management of the fire department, which it shall be the duty of said board to maintain and keep in good order.

SEC. 158. Said board shall have power and it shall be its duty to make all such rules and regulations for the government of said fire department and the officers and men thereof as it may deem best calculated to secure thoroughness and efficiency. It shall establish proper regulations for the care and management of all fire stations, fire apparatus and all other property under its charge. Said board may prescribe and enforce reasonable and legal fines and penalties, which may take the form of suspension from duty without pay, for the breach of any of the rules and regulations established by it on the part of any of its appointees in said fire department.

SEC. 159. The compensation of all appointees of said board in the fire department shall be fixed by said board.

SEC. 160. No person, while an officer or other member of the fire department of the city of Rutland, shall act as executive committeeman, attend any political convention as a delegate, participate in any manner whatever in any canvass in behalf of or against any candidate for any city, county, state or national office, hold tickets or canvass votes at any election, or take any part whatever in political matters other than to exercise a right of suffrage; and no person shall be appointed to or retained in the department as a reward for political service rendered, nor in any manner be discriminated against because of his failure to render such service.

SEC. 161. Said board shall appoint a fire marshal, whose duty it shall be to inspect the buildings of said city as required by said board and as required by the ordinances of said city; with the view of ascertaining and causing to be remedied all unnecessary hazard from fires. He shall also be appointed a special police officer and shall see that all ordinances of said city relating to the prevention of unnecessary hazard from fires shall be observed. He shall perform such other services as may be required of him by said board and by the ordinances of said city and may be removed at any time by said board.

SEC. 162. Whenever any building in the city shall be on fire it shall be lawful for the chief engineer of the fire department or any member of said department in charge of such fire, with the consent of the board of public safety, to order such building or any parts thereof, or any other building or any part thereof, not on fire, but which they may deem hazardous and likely to communicate fire to other buildings, to be pulled down and destroyed. In such case no action shall be maintained against any person or the



city therefor. If any person pecuniarily interested in any such building destroyed shall consider that he has a claim against the city for the destruction of such building, he shall, within three months of such destruction, apply to the city council to assess and pay his damages, in accordance with such regulations as the ordinances of said city may prescribe and require.

#### HEALTH AND CHARITIES.

SEC. 163. The board of health and charities shall be provided with suitable office rooms in the city hall by the city council and the said board shall hold therein regular meetings each month and may from time to time provide, and shall keep full and accurate records of all meetings and all business transacted by it. A detailed account of all expenditures shall be kept by said board, which shall show at all times the amount of each indebtedness incurred and each warrant drawn under the authority of each appropriation for the use of said board.

#### BOARD OF HEALTH AND CHARITIES.

SEC. 164. The board of health and charities shall have all the powers of selectmen in towns relating to the appointment of a local health officer, and with such health officer shall constitute the local board of health of said city. Said board shall be organized as provided by law, and shall perform all the duties and have all of the authority of local boards of health as provided by the laws of this state. It shall be the duty of said board of health to see to the enforcement of all laws and ordinances relating to the preservation of the public health.

SEC. 165. The board of health and charities shall have charge of the city almshouse and farm, and shall appoint a suitable person for the keeper of the same and such other employees as may be required and fix their compensation. They shall make rules and regulations for the government of said almshouse and farm, and shall use due diligence in the supervision thereof.

SEC. 166. It shall be the duty of the board of health and charities to cooperate with any union or association of charitable organizations which may be formed in said city, and thereby endeavor to reduce the cost of the relief of the poor to the city, and prevent duplication of charity and fraudulent applications therefor.

SEC. 167. Annually on the first Monday in April, the board of health and charities shall appoint an overseer of the poor, who shall serve one year and until his successor is appointed and qualified.

SEC. 168. The overseer of the poor shall be under the direction and control of the board of health and charities and subject to the ordinances of said city. He shall, except as otherwise herein provided, have the same powers and perform the same duties as are provided for overseer of the poor in towns.

SEC. 169. The overseer of the poor shall not have power to draw orders on the city treasurer, but all money necessary for the proper prosecution of his work shall be furnished him, in pursuance to an appropriation of the board of aldermen, by warrant drawn on the city treasurer indorsed by not less than two members of the board of health and charities.

#### DEPARTMENT OF PUBLIC WORKS.

SEC. 170. The board of public works shall be provided with suitable office room in the city hall by the city council, and the said board shall hold therein regular meetings at least once in two weeks and may hold such special meetings as it may from time to time provide, and shall keep full and accurate records of all meetings and of all business transacted by it. A detailed account of all expenditures shall be kept by said board, which shall show at all times the amount of each indebtedness incurred and each warrant drawn by said board under the authority of each appropriation for the use of said board.

SEC. 171. Said board shall appoint a competent civil engineer as city engineer, who shall make all public surveys of the public streets, sewers and grounds of said city and all plans and specifications for the construction, improvement and repair thereof, and shall keep proper records of all matters relating to his office. It shall be the duty of such engineer to perform such additional duties as may be required of him by said board of public works and act as consulting engineer for all other boards and officers created or authorized by this act, for which he shall receive no compensation other than his salary as city engineer, which shall be fixed by said board of public works. Said board of public works may remove such city engineer at any time by a unanimous vote of all the members of said board.

SEC. 172. Said board of public works shall have power to employ such superintendents, foremen, agents, employees and laborers as it may deem necessary in the care, management and maintenance of the public sewers, bridges and culverts and water works and in the fulfillment of the duties and exercise of the powers conferred upon it and shall fix their compensation. Said board may discharge or remove any of such superintendents, foremen, agents, employees and laborers at any time.



SEC. 173. Said board shall have power to provide for the lighting of the public streets, buildings and places of said city by contract with private individuals, corporations or firms, and shall see that all such contracts are properly carried out and shall arrange for the inspection necessary therefor.

SEC. 174. Said board of public works shall have no power to expend any money, or to incur any debt for any purpose by contract or otherwise beyond the amount of the appropriations made by the board of aldermen as herein provided.

SEC. 175. Said board of public works shall have the exclusive general management and control of the city water works and may maintain and extend existing water works for the purpose of supplying the inhabitants of said city with pure and wholesome water, for the extinguishment of fires, and for other purposes. Said board shall have power to make all necessary repairs, extensions or improvements of said works, and may make and enforce regulations regarding the use and control of water.

SEC. 176. For the purposes set forth in the preceding section said board of public works may establish and maintain reservoirs, aqueducts, water pipes, hydrants, or any other apparatus necessary for such purposes, upon, in, and through the lands of individuals and corporations, both within and without said city, on making compensation therefor; and in taking such lands for such purposes said board of public works shall proceed in the same manner as is provided by law to proceed in taking lands for highways in towns; and the same right to appeal to the county court from the decision of the board of public works, in taking such lands and in awarding land damages shall be allowed; and such appeal shall be taken in the same manner as is provided by law from the decision of selectmen in towns in such matters except that such appeal if taken from the appraisal of damages only, shall not prevent the said city from proceeding with its works as though no such appeal had been taken.

SEC. 177. The said board shall have authority to enforce beyond the limits of the city such regulations as may be necessary for the care, protection, preservation, management and control of said city water works and water supply, in the same manner and to the same extent as within the city.

SEC. 178. The board of public works shall establish rates to be paid for the use of water supplied by the city water works which shall be called "service rates." Such service rates shall be and are hereby made a lien in the nature of a tax upon the real estate so supplied with water and shall be collected and enforced under such regulations and ordinances as the city council shall prescribe. Water shall not be furnished outside the city limits.

SEC. 179. All moneys received in any way on account of the city water works shall be paid into the city treasury. The city treasurer shall keep accounts, showing fully all receipts and payments had and made in any manner on account of the water works, separately from all other receipts and payments. The revenue derived from the water works shall be appropriated as follows: First, to pay the necessary expense of their maintenance; second, to pay interest on the indebtedness of the city incurred for their construction; third, to the sinking fund to provide for the payment of said indebtedness; fourth, to such extension of the water works as shall be deemed necessary by said board of public works.

## STREET DEPARTMENT.

### STREET COMMISSIONERS.

SEC. 180. The board of public works shall have the exclusive general management and control of the work on the city streets, bridges, culverts, sidewalks and sewers and shall see that the same are properly constructed and kept in repair, and shall have the same powers in respect to repairs of streets, highways, bridges and culverts as road commissioners and selectmen in towns; said board shall when the public good requires, cause all streets and highways to be worked and graded the entire width thereof and made in such a manner as will in the judgment of said board best accommodate the public; but shall have no power to spend any money or incur any debt beyond the amount of the appropriations made by the city council.

### STREETS, HOW LAID OUT.

SEC. 181. The board of public works, except as herein otherwise provided, shall have the same power to lay out, alter, re-survey and discontinue streets and highways as is vested by law in selectmen of towns; and all proceedings in respect to laying out, altering, re-surveying and discontinuing streets and highways in said city shall be had in the same manner as provided by the law of this state in respect to such matters in towns.

SEC. 182. Streets and highways in said city of less than three rods in width may be laid out, opened, accepted, established and maintained by said board of public works; provided the owners of a majority of the frontage on such street or highway shall file their petition therefor in writing with the clerk of said city.



SEC. 183. All streets or highways in said city of less than three rods in width heretofore deeded or dedicated to said city for public highways and heretofore accepted; and all such streets or highways laid out or opened by it, are hereby declared to be legal streets and highways; and all acts, votes and resolutions of said city in respect thereto are hereby declared to be legal and valid.

SEC. 184. If any person owning or interested in lands through which a street or highway in said city is laid out, altered or re-surveyed by said board of public works, is dissatisfied with the laying out, altering or re-surveying of said street or highway, or with the compensation awarded for his damages, or in case no damages are awarded him, he may have the same proceedings in respect thereto as if such street or highway were laid out, altered or re-surveyed in any town in this state; and such proceedings shall be conducted in the same manner and shall have the same effect as provided by law in case a highway was laid out, altered or re-surveyed in any town in this state; except that no person by reason of being a resident or taxpayer in said city shall be disqualified to act in such proceedings as a commissioner appointed by the county court.

SEC. 185. In case said board of public works shall decide to discontinue any street or highway in said city, any person owning or interested in the lands abutting said street who is dissatisfied with such decision may within sixty days thereafter institute proceedings which shall have the same effect, be conducted in the same manner and subject to the same conditions and provisions as if such person were dissatisfied with the laying out, altering or re-surveying of any street or highway in said city.

SEC. 186. Said board shall have power to raise or lower the surface of any street or highway of said city. The same proceedings shall be had in respect to awarding damages to the abutting owners upon such street or highway which they shall suffer by reason of the raising or lowering of said street or highway as are herein provided in laying out or altering streets or highways.

#### NOTICE TO ADJOINING LAND OWNERS.

SEC. 187. Whenever under the provisions of this act the board of public works is required to give notice of the time and place of any examination or hearing before it touching the laying out, altering or discontinuing any street or public highway in said city, or award of any damages therefor, a citation shall be issued, signed by the board of public works and containing the names of all persons to whom notice is to be given.

SEC. 188. Such citation shall be made at least twelve days prior to the time appointed for such examination or hearing, except when otherwise specially provided in this act.

SEC. 189. Service of such citation may be accepted by any or all persons therein named, by endorsing their acceptance in writing thereon.

SEC. 190. Such citation may be served by any sheriff or constable in this state upon any person therein named residing or being in this state, in the same manner as an ordinary writ of summons.

SEC. 191. Such citation may be served by such sheriff or constable upon a person not an inhabitant of this state by leaving a true and attested copy of said citation with his return thereon endorsed, with, or at the residence of, his known agent or attorney, if he has one in this state; and if not with, or at the residence of, the occupant of the land to which such hearing may appertain. If there is no such occupant, then such copy of said citation shall be by said sheriff or constable left at the office of the clerk of said city for such persons so owning or interested in such land.

SEC. 192. Said city clerk shall mail to the last known post-office address of such person, in a registered package, a true and attested transcript of such copy so left with him, which shall be certified by him under the seal of said city. Said city clerk shall certify under the seal of said city all his doings touching said copy so left with him by said sheriff or constable and shall attach to said certificate all registry receipts pertaining to such copy received by him.

SEC. 193. The return of such sheriff or constable upon the original citation, and the certificate of such clerk and said receipts, shall be prima facie evidence of the service of said citation as herein provided. Said citation and return thereon, with said certificates of said city clerk and said receipts, shall be made a part of the record of said proceedings and shall be filed in the office of said city clerk.

SEC. 194. If at any stage of the proceedings before said board of public works or in any proceedings subsequent thereto, it shall appear that any person owning or interested in such lands shall not have been duly notified, said board of public works or other tribunal in or before which such proceedings shall be pending shall cause a citation to be served upon said persons not notified as herein provided, and shall cause said proceedings to be postponed to such time as will permit such citation so issued to be served in the manner provided herein for the service of original citations in such matters. Commissioners appointed by the county court or by a justice of the peace or agreed upon between the parties shall have the same power to issue citations that the board



of public works has, which citation shall be served in the same manner as if issued by the board of public works.

SEC. 195. Said board of public works or other commissioners or tribunal before which such proceedings are pending, may cause such further notice to be given by citation, publication, or in any other manner prescribed by it in an order for that purpose. A copy of such order, citation, notice of publication or other notice which shall have been delivered to such land owner in person and verified by the affidavit of the person delivering the same, shall be prima facie evidence of such further notice.

SEC. 196. No proceedings instituted by said board of public works under said citation, nor any proceedings subsequent and pertaining thereto, shall be void on account of any failure to give notice to any person or persons interested therein or shall for that reason be dismissed, but such proceedings shall be suspended till such person or persons are duly notified; whereupon the same proceedings shall be had in the same manner and with the same effect as if such person had been duly notified by the original citation. If the person so notified shall appear he may be heard upon all matters therein pending in which he is interested.

Said board shall have power to license plumbers, drain layers, or other competent persons, to lay service pipes, and lateral drains to connect with public water mains and public sewers, and no person shall make such water or sewer connections, without first obtaining from said board a permit therefor.

All persons, licensed by said board, shall make reports to said board of the doings in accordance with such rules, regulations and requirements, as said board may establish. Said board shall have power to compel any person, acting under authority from it, to restore any sidewalk, street, pavement, highway, alley, lane, court or public ground in said city that he shall dig up or disturb to a condition that shall be satisfactory to the city engineer.

Said board shall have power to prevent any person from digging or cause digging to be done in any street, highway, alley, lane, court, public place or ground in said city without first obtaining from said board a written permit therefor.

#### SEWERS.

SEC. 197. Said board of public works is authorized and empowered to establish, construct and maintain public sewers in said city, and may establish, construct and maintain public sewers in and through the lands of individuals and corporations, on making compensation therefor in the same manner as provided by law in laying out and establishing highways in towns.

#### DEPARTMENT OF PUBLIC CEMETERIES AND PARKS.

SEC. 198. All public cemeteries, the care and maintenance of which devolves upon the city of Rutland and all public parks and public grounds of whatever nature, the care and maintenance of which devolves upon said city, and those which may hereafter be established in said city, together with all cemetery and park property now owned and hereafter acquired by said city, shall be under the management, care and control of the board of cemetery and park commissioners hereinbefore provided to be appointed, who shall have all the powers given by the laws of this state to cemetery commissioners.

SEC. 199. Said board shall be provided with suitable office room in the city hall by the city council and shall keep full and accurate records of all meetings and of all business transacted by it. Detailed accounts of all expenditures shall be kept by said board which shall show at all times the amount of each indebtedness incurred and each warrant drawn by said board under the authority of each appropriation for the use of said board.

SEC. 200. Said board shall have full power to employ such superintendents, foremen, agents, employees and laborers as it shall consider necessary for the care and maintenance of the public cemeteries, parks and grounds herein placed under its charge and care, and for the fulfillment and exercise of all the duties and powers herein conferred upon said board and shall fix the compensation of such persons so employed by it. Said board may remove or discharge any person employed by it at any time.

SEC. 201. Said board may give proper designating names to any of the cemetery and park properties. The board shall have power to acquire, and the city of Rutland to hold, property, for the purpose of establishing public parks, cemeteries and grounds or the enlarging of existing parks, cemeteries and grounds by condemnation, or by contract for the same to accept conveyances thereof; to receive gifts, donations, or devises of land or other property for park purposes; to lay out and improve with walks, drives and roads, to build necessary culverts and bridges, to drain, plant, and otherwise at their discretion to improve and adorn the parks and other property thus held or acquired by the board; provided, however, that in no case shall any expenditure be made in excess of the amount previously appropriated, as hereinbefore provided.

SEC. 202. The said board shall have power to make and alter from time to time, all needful rules and regulations for the maintenance of order, safety, and decency in and upon said cemetery and park property, and to affix penalties for disobedience thereto; which rules and regulations shall have the force of



ordinances of the city of Rutland; provided, that no such rule or regulation shall be of any effect unless it shall have been first published in full in one or more of the daily newspapers published in Rutland, and also printed and posted in conspicuous places within the limits of the property to which such regulation is intended to apply. Any member of the police department may arrest, without warrant, in and upon any such cemetery and park property, any person who has broken any rule or regulation of said board or committed any other offense in or upon said cemetery and park property.

SEC. 203. The said board of cemetery and park commissioners shall have sole power to determine the places in said cemeteries and parks where sewers, gas and water pipes shall be laid; and no trench, for these purposes, shall be opened until the commissioners have designated the location of the same and given permission in writing. No telegraph, telephone, or electric light wires, or other wires, or posts or supports therefor, shall be erected in, upon, through or over said cemeteries and parks without the consent in writing of said board, who shall designate the place and manner of maintaining the same, to be altered at such time and in such manner and under such conditions as the said board shall deem best.

SEC. 204. The said board of cemetery and park commissioners shall have authority to direct and regulate the planting and preservation of shade and ornamental trees and shrubbery, in the streets, and in the public grounds of said city; and to appoint a city forester to superintend and regulate the planting and culture of such trees and shrubbery in said streets, parks, cemetery and public grounds, and to perform such other similar duties as said board by its rules and regulations may prescribe. Said board is also authorized to enact such rules and regulations as it may deem proper to carry out the purposes of this act. It shall have general care of all shade and ornamental trees, and the shrubbery growing in the streets and public grounds of said city and by majority vote may direct the removal of any that it may deem detrimental or undesirable. No shade or ornamental trees growing in the streets and public grounds of said city, shall be destroyed or removed except by leave in writing, first obtained from said board of cemetery and park commissioners.

SEC. 205. The said board of cemetery and park commissioners may in its discretion cause suitable shade trees to be planted along and upon any street or any portion thereof, and upon any public grounds in said city.

SEC. 206. The said board of cemetery and park commissioners shall have control of the parkings upon each street of said city. Said parkings shall be understood and held to be the

space between the curbing and the street line not occupied by sidewalk on each side of said streets, meaning such space as should be grassed over; in case said parkings are not properly cared for by the owners of the property abutting thereon, the said board may in its discretion and shall upon petition of the majority owners of the abutting property on such street or any block or blocks upon such street cause such parkings to be properly cared for, the grass cut, weeds destroyed, and such work done as they deem necessary; and the cost of doing such work with an additional sum of 20 per cent. of that amount shall be assessed upon the abutting property. The said board shall by resolution direct the amount to be assessed against each piece or parcel of land; and such assessment shall be collected and the payment thereof enforced, with, and in like manner as state, county, and other taxes are collected, and the payment thereof enforced and such assessments when collected by the city treasurer or city constable shall be placed in the park fund and may be expended by said board without an appropriation therefor. Provided, however, that nothing in this section shall interfere with the necessary work of the board of street commissioners in their work on the streets, curbing, sidewalks or in making sewer connections in any such streets, or of the board of water commissioners in making or repairing water connections.

SEC. 207. The said board of cemetery and park commissioners shall have the power and authority to declare the growth of weeds, under-brush and any unsightly growth on any lot of land adjacent to any park or street in said city, a nuisance. They may notify the owner or owners of such land to remove or abate such nuisance; and if, upon reasonable and due notice, such owner or owners fail to remove or abate such nuisance, then the said board shall have the right and authority by its officers and employees to enter upon such land and remove or abate such nuisance; and said board shall have authority to assess the cost of so doing upon the owner or owners of said land, and such assessment may be collected and enforced as provided in the preceding section and such assessments when collected shall be treated in the same manner as is provided in the preceding section.

SEC. 208. The term "cemetery and park property" includes all cemeteries, parks, squares and areas of land within the management of said board; and all buildings, improvements, walks, drives, trees, plants, flowers and other things thereon, and enclosures of the same; and all shade trees on streets or thoroughfares, resting places, public grounds or the like; and all birds, animals or curiosities, or objects of interest or instruction; all tools or implements placed in or on any such enclosure.



SEC. 209. No member of said board of cemetery and park commissioners shall be concerned in any contract with said board or directly or indirectly interested. If any member of the board be the owner of or interested in any property necessary, in the opinion of a majority of the other members of the board, to be taken for park purposes, then proceedings shall be by condemnation and such facts of ownership and interest shall be fully set forth in the petition.

SEC. 210. The said board of cemetery and park commissioners on behalf of the city of Rutland, shall have power to take, by condemnation, land for park purposes; and if the said board cannot for any cause, agree with the owner or owners of any land which they shall decide to take for public park purposes, as to the compensation to be paid therefor, the damages which will accrue to such owner or owners by such taking and the compensation to be paid for such lands in view thereof, shall be estimated and determined by three appraisers, to be appointed by the county court of Rutland county on application of said park commissioners, after reasonable notice of such application shall be given to such owner or owners. Said appraisers shall notify all parties in interest of the time and place of hearing and shall make return in writing of their appraisal and award to the clerk of the county court, who shall record the same; and the amount of such award shall be paid by said cemetery and park commission within ninety days after the filing of such award, or, in case of an appeal, after the final award in the premises, out of any funds at their disposal, other than the annual appropriation, to the person or persons entitled thereto; or said amount shall be deposited to the order of such person or persons with the treasurer of the city of Rutland and thereupon said board may enter upon, use and occupy such land. But either party may, within 60 days appeal to the county court to set aside such award and to order a rehearing for irregularity or improper conduct connected with such hearing and appraisal.

SEC. 211. The board of school commissioners of said city shall be composed of legal voters of said city who shall be elected as herein provided. Each of said school commissioners shall hold office for five years from the first day of April following his election and until his successor shall be chosen and qualified.

SEC. 212. At the annual city meeting in March, 1907, there shall be elected a board of school commissioners, one of whom shall be elected for the term of five years, one for four years, one for three years, one for two years, and one for one year, from the first day of April, 1907, and at each annual meeting thereafter one school commissioner shall be elected for the term of five years from the first day of April following his election.

SEC. 213. The election of said school commissioners shall be conducted under the same rules and regulations as herein provided for holding the annual city elections, except, that women not less than twenty-one years of age, who are residents of said city and whose list shall have been taken for the purpose of taxation in said city at the annual assessment next preceding any election of school commissioners and who are not delinquent taxpayers in said city, shall be legal voters at such elections of school commissioners.

SEC. 214. The city council shall fill any vacancy on the board of school commissioners, occasioned by death, resignation, removal from the ward, or other disability.

SEC. 215. Said school commissioners shall appoint one of their own members president, and shall also appoint a clerk who shall keep a full and complete record of all their proceedings. They shall by general regulations provide for the holding of regular and special meetings. A majority of said commissioners shall constitute a quorum for the transaction of business.

SEC. 216. Said board shall have the care and custody of all the property belonging to or used for, the several public schools of said city; shall employ teachers, janitors and such other employees as they may deem necessary and fix their compensation; have the management and control of all the public schools of said city; examine and allow all claims arising therefrom, and draw warrants for the payment of such claims upon the city treasurer, in accordance with the provisions of this act. All warrants for the payment of money drawn by said board shall be signed by the president and clerk of said board.

SEC. 217. Said board shall have in general all the powers and authority, and perform all the duties, pertaining to school officers in towns of this state, not inconsistent with the provisions of this act. It may establish graded schools and provide for instruction in the sciences and in the higher branches of a thorough education.

SEC. 218. Said board may establish such by-laws and regulations for carrying out the powers herein granted, as are consistent with the provisions of this act and the general laws of this state.

SEC. 219. Said board shall, annually, appoint a superintendent of schools, who shall not be a member of said board and fix his compensation, which shall be paid by the school commissioners in the same manner as other expenses for the support of schools; and for causes of incapacity, negligence or misconduct arising from any cause they may remove such superintendent. Such superintendent shall hold his office for one year from the



time of his appointment and until his successor shall be chosen and qualified, unless sooner removed as hereinbefore provided.

SEC. 220. The superintendent of schools shall perform such duties in connection with the public schools of said city as shall be assigned him by the board of school commissioners. He shall annually report to the city council such statistics as are required by the law of this state and such other information as he shall deem proper or the school commissioners shall direct, or said city council may require.

#### TRUANT OFFICERS.

SEC. 221. Said board shall annually appoint such truant officers as in its judgment may be required, who shall have the same powers and perform the same duties as prescribed by the general law of this state for truant officers in towns and cities and shall have such further powers and perform such further duties as shall be prescribed by any ordinance, regulation or by-law of said city.

#### SCHOOL BUILDINGS.

SEC. 222. It shall be the duty of said city to provide and maintain suitable school houses for the accommodation of all the public schools of said city.

SEC. 223. The location and construction of the school houses, and the management, sale and purchase of school property shall be under the control of the school commissioners, subject to the limitations herein provided and the limitation upon their power of incurring liabilities in behalf of said city.

SEC. 224. Before the school commissioners shall purchase or sell any real estate for school purposes, or enter into any contract for the construction of any school building, other than repairs of and additions to existing school buildings deemed necessary by said school commissioners, they shall file with the board of finance a statement showing the necessity of such purchase of real estate, or of the construction of such building, together with an estimate of the cost of such real estate to be purchased or of the construction of such building, and the amount of money necessary for such purpose. Said board of finance shall submit said estimate to the board of aldermen with their recommendations. They shall not sell any real estate, until authorized to do so by vote of the city council.

SEC. 225. They shall not purchase any real estate, nor enter into any contract for the construction of any school building, until such action has been approved, and the funds for the same provided by the board of aldermen.

SEC. 226. Upon the approval by the board of aldermen of such proposed purchase of real estate for school purposes, or such proposed construction of a school building, said city council shall provide the necessary money for such purpose by levying a tax sufficient to meet the whole or any part of the expense of such purchase or construction, provided that the sum raised by taxation in any one year for school purposes, including such purchase of real estate or construction of a school building, shall not exceed such sum as would be raised by a tax of 50 cents upon the dollar of the grand list of said city.

SEC. 227. Said board of school commissioners shall have no power to expend any money or to incur any debt for any purpose by contract or otherwise, beyond the amount of the appropriations made by the board of aldermen as herein provided.

SEC. 228. All existing school districts in the city of Rutland are hereby abolished from and after the first day of July, 1893, and the records and property thereof shall be turned over to the board of school commissioners of said city, and the said city shall receive and be entitled to all the property and be liable for all the indebtedness of said school districts. All statute laws of the state, not inconsistent with this act, having special reference to the existing graded school district, shall be continued in force, and the board of school commissioners shall be governed thereby, so far as applicable, in administering the affairs of their department of the city government.

#### PURCHASING AGENT.

SEC. 229. There shall be appointed annually, in the month of March, by the city council, a purchasing agent, who shall hold his office for one year from the first day of April next succeeding his appointment, and until his successor shall be appointed and qualified; he shall give bonds for the faithful performance of his duty, to the satisfaction of, and receive such compensation as may be fixed by the city council. He shall at all times be under the direction of and subject to the orders and ordinances of the city council.

SEC. 230. All tools, machines, vehicles, animals, materials and supplies required for use in any and all departments of the city government shall be purchased by said purchasing agent.

SEC. 231. Every official, committee, board or individual, requiring any of the property aforesaid for use in his or her department shall make written requisition therefor upon the said purchasing agent, who shall immediately proceed to purchase the property so required and to distribute it accordingly, taking a receipt therefor upon the original requisition, and shall then



forward said requisition to the city clerk, who shall record the substance thereof in a book to be kept for that purpose and charge the amount thereof to the proper department.

#### CITY COURT.

SEC. 232. The governor shall biennially in the month of November, appoint from among the legal voters of said city a city judge of the city court of said city, and shall commission him as city judge for two years from and after the first day of April next succeeding his appointment. He shall hold office for two years and until his successor is appointed and qualified.

SEC. 233. The city council shall annually appoint from among the justices of the peace in said city an assistant city judge. In case of absence from the city, disqualification or inability to serve on the part of the city judge, the assistant city judge shall act as judge in his stead.

SEC. 234. Whenever the city judge shall be unable to attend at the time appointed for the trial of any cause, the clerk of said court or the assistant city judge of said city shall continue the same for a period not exceeding three months.

SEC. 235. The death, resignation, removal from the city, permanent inability to serve, or expiration of the term of office, on the part of the city judge shall not cause a discontinuance or transfer to another jurisdiction of any cause pending in said city court, but the same shall continue pending in said court and be tried and disposed of by his successor in the office.

SEC. 236. No judge of said court shall be disqualified from hearing and deciding any cause in said court in which the said city may be a party defendant or trustee by reason of said judge being a taxpayer or liable to taxation in said city.

SEC. 237. The city judge shall receive a salary of three hundred dollars per annum, to be paid by the state treasurer, and in addition shall be entitled to the fees taxed for him according to law as costs in said city court.

SEC. 238. The city judge shall appoint a clerk of said court from among the legal voters of said city, who shall hold office during the pleasure of the city judge.

SEC. 239. The clerk of said court shall be the recording officer thereof, and shall furnish to any person, when tendered the legal fees therefor, certified copies under the seal of said court, of any records, proceeding or minutes thereof.

SEC. 240. The clerk of said city court may in all cases of misdemeanor or violations of the city ordinances, in the absence of the city judge from said court, fix the amount of bail to be furnished by any respondent arrested and brought before said

court and take such respondent's recognizance and that of his sureties in said case, and also in cases where bail has been fixed by said city court; and any recognizance so entered into before said clerk shall have the same effect as if entered into before said court.

SEC. 241. Said judge of the city court shall, before entering upon the duties of his office, give a bond to the city with sufficient sureties in a sum to be fixed by the board of aldermen, for the faithful discharge of his official duties, and shall give to the state a like bond in a sum to be fixed by the assistant judges of the county court.

SEC. 242. The city court shall be a court of record, shall have a seal and be open at all times, and shall be held by said city judge.

SEC. 243. The city court shall have the same power over its judgments, records and proceedings as is now vested in the county courts by statute or common law, and may exercise in connection therewith all the powers of courts of record at common law. And may open and reconsider any judgment rendered by default upon application made by the party defaulted within thirty days from the date of such judgment, provided no execution shall have been issued; and no execution shall issue in any case unless by special permission, until the expiration of twenty-four hours after judgment.

SEC. 244. The city court shall have all the powers granted by law to justices of the peace, and the judge of said court shall be authorized to perform the duties required by law to be performed by justices of the peace; and all provisions of law applicable to proceedings before justices of the peace shall apply to said city court, except as herein otherwise provided.

SEC. 245. The city judge is authorized and empowered to perform all the duties touching the perpetuation of testimony required to be performed by judges of the supreme court in sections 1274, 1275, and 1276 of the Vermont Statutes, and said city judge shall have and exercise all the powers conferred upon judges of the supreme court thereunder, in respect to testimony to be used in any court in this state.

SEC. 246. The city judge and clerk shall each have power to take affidavits and depositions to be used in any court in the state; to administer oaths for general purposes, and also to take acknowledgments of deeds, leases and other instruments, and may certify to the same under the seal of said court.

SEC. 247. The city court shall have jurisdiction of all actions of a civil nature, including replevin and trespass on the freehold, where the debt, damage or value of the goods and chattels replevied or other matters in demand does not exceed



five hundred dollars, but nothing herein contained shall affect the original jurisdiction of the county court, as now provided by law; provided, that the provisions of statutes of this state in regard to the town in which writs in certain suits therein described shall be made returnable, shall apply to said city court.

SEC. 248. The city court may try and determine all prosecutions for such criminal offenses committed within the county of Rutland which may be prosecuted by complaint or information except offenses within the jurisdiction of a justice of the peace to try and determine, which are committed without said city by a respondent not residing in said city.

SEC. 249. The city court is empowered to cause to be apprehended and committed to prison, or bound over with sufficient sureties for trial by county court, all persons charged with crimes committed in said county of Rutland exceeding its jurisdiction to try.

SEC. 250. The city court shall have exclusive original jurisdiction of all complaints and prosecutions for violations of city ordinances, regulations and by-laws.

SEC. 251. Criminal prosecutions before said city court shall be brought by the state's attorney, city attorney or grand juror in said city.

SEC. 252. In all criminal causes before said court, including prosecutions for violations of any city ordinance or by-law, there shall be the same right of appeal to the county court as is secured by law in criminal causes tried before a justice of the peace.

SEC. 253. In all prosecutions for nuisances the said court shall have power, subject to such restriction as may be prescribed by the city council, to order the nuisance complained of to be abated and removed and to issue such warrants as shall be necessary to carry its orders into effect.

SEC. 254. When any person shall be in actual confinement in the jail of Rutland county, by virtue of a complaint for any crime or misdemeanor alleged to have been committed in said county, the city court shall, upon the application of such person order the state's attorney of said county to file an information against such person; and said court shall have the same power and perform the same duties as are prescribed in sections 1895, 1896 and 1898 of the Vermont Statutes for the supreme court.

SEC. 255. All process both civil and criminal returnable to or issuing out of said court, except a citation for a new hearing or trial in which a stay of proceedings shall be made, may be signed by either the judge or clerk of said court; and all papers to be filed in said court may be filed with the judge or clerk. Any justice of the peace or master in chancery within the

county and the clerk of the county court may sign writs returnable before the said court.

SEC. 256. The judge of the city court may, whenever he deems it proper, require the pleadings in a cause or any part thereof to be in writing under such rules of court as he shall prescribe.

SEC. 257. The city judge shall make all necessary rules for the orderly practice in said court.

SEC. 258. The judge of said court may, and at the request of either party shall, instruct the jury touching the law applicable to a cause on trial.

SEC. 259. In all prosecutions before said city court the prosecuting officer shall be entitled to tax and receive the same fees provided for town grand jurors.

SEC. 260. In all civil and criminal cases before the city court the city judge shall tax and receive twice the sum allowed by law to justices of the peace in like suits or prosecutions before them; and he shall also be entitled to tax and receive the sum of one dollar for each bill of exceptions allowed and signed by him.

SEC. 261. The clerk of said court shall be entitled to receive one dollar and fifty cents for each copy of the proceedings in all cases appealed to the county court, and the same fees for copies of records as are allowed to clerks of said county court.

SEC. 262. There shall be allowed to said clerk in criminal cases the following fees: One dollar for recording each case in said court, which fee shall be included in the bill of costs and taxed against the respondent upon conviction; ten cents for making each bill of costs; two dollars for each copy of record in binding up cases; sixty-eight cents for each warrant of commitment to the state prison, house of correction, industrial school or county jail.

SEC. 263. The foregoing fees in criminal cases shall be audited and paid quarterly, as herein provided.

SEC. 264. There shall be allowed to said clerk in civil cases one dollar for recording each case in said court, which shall be paid by the party entering the cause and taxed in the bill of costs against the adverse party when the party entering the same cause recovers judgment.

SEC. 265. All fines, penalties, forfeitures and costs imposed and recovered in said court shall be paid to the judge of said court and by him into the treasury to which the same are by law payable.

SEC. 266. When a mittimus shall issue from said court in a cause wherein a fine shall have been imposed in which the city is interested, the judge thereof shall take from the officer to whom the



mittimus shall be delivered a receipt therefor and keep the same on file in said court until such fine or penalty and costs shall have been paid, or the respondent shall have been committed thereon, or said fine and costs shall have been remitted according to law.

SEC. 267. Said judge shall on or before the first Monday in each month pay to the city treasurer all fines and costs collected by him during the preceding month which are payable to the city, which sum shall be receipted for by said treasurer.

SEC. 268. Said judge shall file in the city clerk's office, on or before the first Monday in January, April, July and October, a statement of all cases finally disposed of in said court during three months, in which the fines are payable to the city, and shall state therein the date of trial, the name of the respondent, the nature of the offense, the fine imposed, if any, and the costs of prosecution in said cases; the amount paid to the city treasurer as fines and costs, and the names of the persons entitled to fees therein.

SEC. 269. Said costs shall be audited by the board of finance and shall be disbursed by the city treasurer to the persons entitled thereto.

SEC. 270. On or before the tenth day of each month the judge shall pay the state treasurer all fines and costs payable to the state received during the preceding month, taking duplicate receipts therefor.

SEC. 271. One of the said duplicate receipts shall remain in the possession of said judge and the other shall be transmitted by said clerk to the state auditor, together with a sworn statement showing the cases in which such payments were made, the date of payment to said judge, the names of the respondents, the nature of the offense, the date of trial and the amount of fines and costs respectively.

SEC. 272. The judge of said court shall on or before the fifteenth day of January, April, July and October prepare the bills of costs in all cases disposed of in said court during the preceding quarterly period in which the costs are payable by the state, and present said bills to the state auditor, who shall audit the same and draw an order on the state treasurer in favor of said judge for the amount allowed.

SEC. 273. The said judge shall disburse the money so received for costs to the persons entitled thereto, and he shall quarterly at the time specified in the preceding section render to the state auditor a sworn statement of all disbursements made by him during the preceding quarterly period, stating therein to whom and to what service such disbursements were made.

SEC. 274. From the judgment of the city court in all civil causes, except as hereafter provided, an appeal may be taken to the county court under the same regulations as are provided for an appeal from the judgment of a justice of the peace in civil actions.

SEC. 275. In trials by jury it shall be the duty of the city judge to instruct the jury on questions of law, and there shall be no trial by jury in said court except in civil actions.

SEC. 276. In all prosecutions for criminal offenses within the jurisdiction of the city court to try and determine, and in all civil causes before said court, exceptions to the decision of said court upon questions of law may be taken to the supreme court in the same manner and under the same regulations as provided by law for exceptions from the county court to the supreme court in criminal causes, respectively. But no such exceptions shall be allowed when an appeal is taken to the county court. Nor shall the defendant in any action based upon section 1560 of the Vermont Statutes be allowed either such exceptions or an appeal to the county court unless he gives security by way of recognizance with sufficient surety to the plaintiff that he will enter the action in the county or supreme court, as the case may be, and pay the rent then due and intervening rent, damages and costs. Such exceptions shall be signed by the judge of said city court and filed with the county clerk.

SEC. 277. All hearing upon the question whether the defendant is about to remove or abscond from the state and has property to an amount exceeding twenty dollars, or sufficient to satisfy the demand upon which he is arrested, shall be had before the city judge, except as herein provided, notwithstanding the clerk of said court signed the writ or execution in such case.

SEC. 278. In case said city judge is absent from the city, disqualified or unable to serve, such hearing may be had before the clerk of said court.

SEC. 279. All acts and parts of acts heretofore enacted relating specifically to said city of Rutland and inconsistent herewith or the subject matter of which is herein treated of, are hereby repealed; but such repeal shall not affect a suit or proceeding had or commenced in a civil or criminal cause before such repeal shall take effect but the proceedings therein shall when necessary conform to the provisions of this act.

SEC. 280. Such repeal shall not affect a penalty or forfeiture incurred under any of the laws repealed before this act shall take effect; except that when a punishment, penalty or forfeiture is mitigated by the provisions of this act such provisions may be extended to any sentence or judgment pronounced after said repeal.



SEC. 281. Such repeal and the enactment hereof shall not affect any ordinance, resolution or by-law lawfully enacted, ordained and established under the provisions of said acts, and not inconsistent with the provisions of this act, but the same shall be and remain in full force and effect until the same shall be repealed, altered or amended as herein provided; and the mayor and aldermen of said city, and all city officials holding office therein under and by virtue of the general laws of this state or the acts or parts of acts hereby amended and repealed, shall hold office till the expiration of their current terms of office, unless such office shall sooner become vacant under the provisions of the general laws of this state or the provisions of such acts so amended and repealed.

SEC. 282. When a limitation of period of time prescribed in any act hereby amended or repealed for acquiring or enforcing a right or barring a remedy, or for any other purpose has begun to run, and the same or a similar limitation is prescribed in this act, the time of limitation shall continue to run and shall have like effect as if the whole period had begun and ended under the operation hereof.

SEC. 283. In the construction of this act the rules provided in chapter one of the Vermont Statutes of 1894 shall be observed, unless such construction is inconsistent with the manifest intent of the general assembly, or repugnant to the context of this act.

SEC. 284. The provisions of this act, so far as they are the same as those of acts hereby amended, shall be constructed as a continuation of such acts and not as new enactments.

SEC. 285. Except when changed or modified by the provisions of this act or by any legal regulation or ordinance of said city, all provisions of the statutes of this state relating to towns and town officers shall apply to said city and to the several officers thereof corresponding to like officers of towns. In such statutes the word "selectmen" and the "board of civil authority" shall include "city council," and the words "first selectman" shall include "mayor."

SEC. 286. Justices of the peace in said city shall pay all fines payable to said city to the city treasurer, and make all reports in the same manner and subject to the same provisions and conditions herein provided for the clerk of the city court.

SEC. 287. Either party in civil or criminal causes before said city court shall be entitled to a jury under the same provisions and regulations as are now prescribed by law for juries in justice's courts.

SEC. 288. This act shall take effect on the sixth day of February, A. D., 1907, provided that a majority of the ballots

to be cast as hereinafter set forth shall be Yes; but if a majority of said ballots shall be No, then this act shall not take effect.

SEC. 289. The officers of the city of Rutland whose duty it is to call a meeting of the legal voters of said city, shall call a special meeting thereof according to the statutes now made and provided, to be held on the first Tuesday in February next, providing for an opportunity for the legal voters of said city to express their judgment and choice in regard to this act by depositing their ballots in a box to be provided for that purpose by the proper presiding officers at such meeting, with the words Yes and No written or printed thereon and the votes shall be canvassed as now provided by law.

SEC. 290. On the sixth day of February next, the city clerk shall cause a certificate of the canvass of said vote to be published in all the daily papers published in said city, certifying the result of said vote, and declaring the time when the provisions of this act shall take effect.

SEC. 291. All regulations provided for conducting meetings and canvassing of votes under the existing charter of said city shall be applicable to the votes to be cast under the provisions of section 289 of this act.

SEC. 292. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved December 19, 1906.

No. 281.—AN ACT TO AMEND SECTIONS 1 AND 9 OF NO. 202 OF THE ACTS OF 1878, ENTITLED "AN ACT INCORPORATING THE VILLAGE OF RICHFORD," AND SECTION 16 OF THE SAME ACT AS AMENDED BY NO. 189 OF THE ACTS OF 1894.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 1 of No. 202 of the acts of 1878 is hereby amended so as to read as follows:

Section 1. All that part of the town of Richford, in the county of Franklin, included within the following bounds, to wit: beginning at the bridge across the north branch of the Missisquoi River, near the residence of Patrick Mullen; running thence northerly along the east bank of said stream to a point in a prolongation of the south line of the highway which crosses the right



SEC. 8. Any town through or into which said road shall pass may aid in the construction of said railroad in the manner in which towns are authorized by the general law to aid in the construction of railroads.

SEC. 9. This act shall be deemed and taken to be a public act and shall be construed favorably and beneficially for all purposes for which the same is intended.

SEC. 10. This act shall take effect from its passage.

Approved December 18, 1906.

No. 323.—AN ACT IN AMENDMENT OF AND IN ADDITION TO NO. 148 OF THE ACTS OF 1900, ENTITLED "AN ACT TO INCORPORATE THE NEWPORT, HARDWICK AND MONTPELIER RAILROAD COMPANY," AS AMENDED BY NO. 185 OF THE ACTS OF 1902.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 1 of No. 148 of the acts of 1900, as amended by No. 185 of the acts of 1902, is hereby amended so as to read as follows, viz.:

Section 1. Z. M. Mansur, P. J. Farrell, O. C. Miller, W. W. Rowell, D. L. Maguire, C. W. Wheeler, H. F. Graham, G. T. Howard, J. H. McLoud, W. A. Dutton, W. H. Taylor, R. F. Drennan, G. F. Sibley, Albert George, F. A. Howland, F. M. Corry, J. G. Brown, H. W. Kemp, C. A. G. Jackson, E. H. Deavitt, J. C. Burke, G. L. Huntoon, and their associates, successors and assigns are hereby constituted a corporation by the name of the Newport, Hardwick and Montpelier Railroad Company with power to construct, use and operate a railroad in the towns of Newport, Coventry, Irasburg, Albany, Craftsbury, Greensboro, Hardwick, Woodbury, Calais, East Montpelier, Plainfield, Barre, Berlin, Middlesex, Worcester, Troy, Cabot, Marshfield and the city of Montpelier, or such of said towns as may be traversed by said railroad when the same is located: And by that name may sue and be sued, have a corporate seal and alter the same at pleasure; have perpetual succession; may acquire and hold by gift or purchase real and personal property necessary for the construction of its road and the transaction of

its business; and shall enjoy all the rights and privileges of a corporation.

SEC. 2. Such act is further amended by adding thereto a new section, numbered 19, to read as follows, viz.:

Section 19. The directors may contract with any other railroad company to construct said railroad and to perform all transportation of persons and property upon and over said road, and may lease said road, and do such other things as may be necessary to build and operate said road, and said company may consolidate or be consolidated with any other railroad company, subject to the provisions of section 2 of No. 6 of the acts of 1898 special session.

SEC. 3. This act shall take effect from its passage.

Approved November 21, 1906.

No. 324.—AN ACT TO AMEND SECTION 4 OF NO. 203 OF THE ACTS OF 1896, RELATING TO THE RUTLAND AND MONTPELIER RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 4 of No. 203 of the acts of 1896, entitled "An act to incorporate the Rutland and Montpelier Railroad Company and to enable certain towns to aid in the construction thereof" is hereby amended to read as follows:

Section 4. Said commissioners shall, as soon as two hundred fifty shares of the capital stock of said company shall have been subscribed, cause notice to be given to the stockholders for the election of not less than five nor more than seven directors of said company, which notice shall be given by publication in one or more newspapers published in Rutland, Windsor, Addison and Washington counties, at least two weeks prior to the time of holding such election, at which time and place designated in said notice, the stockholders shall elect said directors, who shall hold their office for one year and until others are elected. If any vacancies shall occur in said board of directors, the clerk of said company may call a special meeting of the stockholders to fill said vacancies.

Said directors may contract with any person, company or corporation to supply the equipment for and to construct said



railroad and in payment for said equipment or construction, or both, may issue and deliver any part of its capital stock as full paid stock and its bonds in such amount as may be permitted by the general law, secured by mortgage on said railroad, franchises and other property including after acquired property.

SEC. 2. This act shall take effect from its passage.

Approved December 18, 1906.

No. 325.—AN ACT TO AMEND SECTION 9 OF NO. 203 OF THE ACTS OF 1896 AS AMENDED BY SECTION 1 OF NO. 151 OF THE ACTS OF 1900 RELATING TO THE RUTLAND AND MONTPELIER RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 9 of No. 203 of the acts of 1896 as amended by section 1 of No. 151 of the acts of 1900 is hereby amended so as to read as follows:

Section 9. If said company shall not before the twentieth day of November, 1911, commence the construction of said road, and shall not before the twentieth day of November, 1916, finish the same, then this act shall be void.

SEC. 2. This act shall take effect from its passage.

Approved November 21, 1906.

No. 326.—AN ACT TO INCORPORATE THE SLATE BELT RAILROAD COMPANY.

Section

1. Powers of corporation
2. Capital stock.
3. Subscriptions to stock.
4. Construction of road.
5. Pleasure grounds.
6. Width of road, taking land.
7. Filing of location.
8. Application to railroad commissioners.
9. Crossing tracks.
10. Repair of tracks.

Section

11. Fares and tolls.
12. Obstruction of road.
13. Construction of road, without limits of highway.
14. Subject to general law.
15. Beginning of work.
16. Aid by towns.
17. Furnishing power.
18. Mortgage of property.
19. Public acts.
20. Takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. William Nathaniel, Dr. Charles H. Dunton, F. B. Barrett, F. T. Pember, Hugh J. Williams, W. H. Rowland, Edward D. Ellis, William H. Hughes, A. Y. Gray, Norman Burdick, John Edwards, E. R. Norton, A. H. Varney, J. H. Stevens and W. W. Broughton, together with such persons as shall hereafter become stockholders, are hereby incorporated under the name of The Slate Belt Railroad Company, for the purpose of building, equipping, managing and operating a railroad and by that name may sue and be sued; may have a corporate seal and alter the same at pleasure; and have all the rights and privileges incident to corporations.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, which may be increased by a majority vote on the amount of stock then outstanding to such an amount as may be required to carry out the objects of the company, which capital stock shall be divided into shares of one hundred dollars each. Said company may also issue bonds to the amount of three-fourths of the capital stock and value of its franchises and property for the purpose of carrying out the plans of the company.

SEC. 3. William Nathaniel, Dr. Charles H. Dunton and F. B. Barrett shall be commissioners to receive subscriptions to the capital stock of said corporation; they may cause such preliminary surveys, plans and explorations to be made as they may deem expedient and the expense shall be paid by said corporation when organized; and they shall, after one hundred shares of the capital stock of said company have been subscribed, proceed to give notice to the stockholders to meet for the election of not less than seven directors of said company, and may elect such other officers as may be prescribed by its by-laws.

SEC. 4. Said corporation shall have the power to construct, use and operate a railroad of standard gauge with switches, sidings and turnouts, and may use streets and highways and adjoining private lands wherever necessary, under the conditions hereinafter prescribed, from points in the Vermont state line near the village of Granville, N. Y., through the towns of Pawlet, Wells, Poultney, Fair Haven and Middletown Springs with the right to transport and carry persons and property on the same by the power of electricity or otherwise, with power to connect with any railroad company on such terms as may be agreed upon, provided that the motive power for such railway through any street or highway or adjoining lands shall not be steam.



SEC. 5. Said company may maintain parks and other pleasure grounds on adjoining lands.

SEC. 6. Said company may locate its railroad not exceeding six rods in width, excepting at such points as a greater width may be necessary for the purpose of construction, laying of side tracks, erection of depots or other buildings necessary for the convenient operation of said railroad; but such additional width shall not be more than is needed for the purposes above specified, but shall not interfere with the streets and highways except upon an agreement with the selectmen of the town where the same may be located. For the purpose of constructing, maintaining and operating said railroad said company may enter upon and occupy the streets aforesaid and the highways in the towns aforesaid; provided that the public travel shall not be unnecessarily affected or impeded thereby, and that the travelled portion of such streets and highways shall be left in as good condition as before; and shall grade the surface of the streets and cross walks within and adjacent to its tracks so that persons and vehicles can conveniently cross or turn off from the same and shall not interfere with the proper and free access to the culverts, sewers, water and gas pipes of said villages or towns.

SEC. 7. Said company shall file with the selectmen of the towns in which said railroad is to be located, a statement defining the streets and highways and the portions thereof in which said railroad is to be located, the tracks, turnouts and switches to be placed therein, the culverts and bridges that the same is to cross, the manner of improving and strengthening the same, the kind of power to be used in operating the road, and before beginning the construction thereof, shall obtain the permission of a majority of said selectmen so to do.

SEC. 8. If said company fails to agree with said selectmen as to the location, manner of construction or use of such railroad they shall apply to the railroad commissioners. Upon such application said commissioners after due notice to the parties, shall examine the premises, decide the questions presented to them, and shall have full power to settle and adjust all matters in controversy, and may apportion the expenses for the rebuilding or improving any culvert or bridge, the abutments and approaches thereof made necessary by the construction of said railroad, and award the payment of costs of such proceeding before them. Their award shall be in writing and recorded in the public records for the recording of streets and highways in said towns and villages.

SEC. 9. Said railroad may cross the track of any other railroad in such manner and on such conditions as may be agreed upon. In case of failure to agree either party may apply to the

railroad commissioners, who, after due notice and hearing, shall decide the questions submitted to them and make such orders in the premises as they may deem just; and if requested by either party they shall make report of their doings to the county court in the county where the said crossings are located, and said court may render judgment thereon and have all the powers of the court of chancery in making orders and decrees and enforcing the same.

SEC. 10. If said corporation shall at any time fail to repair its tracks and the highways and streets within or adjacent to the same, as above required, for the space of ten days after notice by the selectmen, then said selectmen may make such repairs as are required and the town may collect the expense thereof from said company.

SEC. 11. Said company may transport passengers and freight upon said railroad and regulate its own rate of fare and toll; provided that the selectmen of either of the towns in which said railroad may be in operation may apply to the county court in the county in which said town is situated, at any regular term thereof by petition or complaint setting forth in substance that said rates of fare and tolls are excessive; which said petition or complaint shall be served upon said company in the same manner as a writ of summons, and said court shall hear the parties, decide and determine what rates of fare and tolls said company shall thereafter for the period of one year, demand. Said rates so fixed by the court shall be kept posted in a conspicuous place on the inside of each passenger car used by the company.

SEC. 12. A person, society or corporation that shall unlawfully hinder or obstruct said company in the use of its roads or tracks or in the construction of the same, shall for every such offense be fined not exceeding fifty dollars, or imprisoned not exceeding three months, or both.

SEC. 13. Said company may also construct and operate its railroad without the limits of the highways at such points as may be reasonably necessary, taking the lands needed therefor, but in all such cases where damage is done by taking such lands, due compensation shall be made the owner thereof. If said company and the owner of such lands so taken shall fail to agree as to the amount of damage sustained on account of the taking of such lands, or if said company fails to acquire by gift or purchase such real estate or right of way, as the business of said company may require, it may enter upon and take the lands of the person for the use and purpose of its railroad, but it shall cause the same to be surveyed and furnish a copy thereof to the owner or agent of said estate, and thereupon either party in interest may make written application to the railroad commission-



ers who after due notice and hearing shall first adjudge whether the taking of such real estate is necessary for the construction and operation of said railway; further proceedings regarding the taking of lands, appraisal and appeal shall be governed by the provisions of Vermont Statutes, chapter 169 and amendments thereto.

SEC. 14. Said company in the construction and operation of its railroad shall comply with the general laws of this state relating to railroads.

SEC. 15. If said corporation shall not within four years commence the construction of said railroad and expend thereon at least five thousand dollars within that time, and shall not within ten years complete and put in operation said railroad, then this act shall cease to be operative.

SEC. 16. Any of the towns through which said railroad shall pass may aid said corporation in the construction and equipment of said railroad in such sums as said towns may by vote provide; but such aid shall not exceed the limit already established by law regulating such action.

SEC. 17. Said corporation shall have the right to manufacture, sell and furnish heat, power and artificial light by any method, principle or appliance now known or hereafter discovered.

SEC. 18. Said company is hereby authorized to mortgage its property real and personal including its franchise for the purpose of securing the payment of any notes or bonds it may hereafter issue both as to principal and interest.

SEC. 19. This act shall be deemed and taken to be a public act and shall be construed favorably and beneficially for all the purposes for which it is granted.

SEC. 20. This act shall take effect from its passage.

Approved December 12, 1906.

No. 327.—AN ACT TO INCORPORATE THE WILMINGTON AND WHITINGHAM TRACTION CO.

Section	Section
1. Powers of corporation.	7. Occupying streets and highways.
2. Location of road.	8. Width of road.
3. Capital stock.	9. Transportation fares.
4. Subscriptions to stock, first meeting.	10. Bonding of towns.
5. Directors.	11. Mortgage of property.
6. Beginning work.	12. Selling power.
	13. Takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Such persons as shall hereafter become stockholders are hereby incorporated under the name and title of THE WILMINGTON AND WHITINGHAM TRACTION COMPANY. Said company may develop, construct and operate a power plant employing any motive power and may transmit the same to any available point for utilization employing any suitable and proper means for this purpose.

SEC. 2. Said company may and is hereby granted the right to construct, maintain and operate an electric railroad of standard or narrow gauge with single or double tracks, with switches, branches and turnouts, commencing at the Massachusetts line in the town of Halifax and running northerly through Halifax, Whitingham, Wilmington and Dover with the right to transport passengers, freight, mail and express matter with full power to connect with, sell or lease to or consolidate with another railroad. Said company may sue and be sued by the name aforesaid, have perpetual succession, have a common seal and may alter the same at pleasure, may acquire or hold by gift or purchase, real or personal property desirable for the transaction of its business and protection of its interests and shall enjoy all the rights and privileges of a corporation.

SEC. 3. The capital stock of said company shall be \$50,000, which may be increased by a vote of the majority of the stockholders to such an extent as may be required for its plant and to provide all buildings, furniture, equipments and appurtenances necessary or convenient for the transactions of its business, and said capital stock shall be divided into shares of the par value of \$100 each, said capital stock shall be full paid and non-assessable when said company shall receive full payment therefor in cash, property, or other equivalent of equal value.

SEC. 4. F. B. Stone, E. J. Roberts, L. H. Sawyer, O. O. Ware, O. R. Buell, C. H. Parmelee and M. E. Lyman shall be commissioners to receive subscriptions to the capital stock of said company, may cause such preliminary surveys and explorations



rule or regulation shall be adopted to restrain any proprietor of a lot in the free exercise and enjoyment of his religious sentiments as to the burial of the dead. And every lot shall carry with it one vote in the election of officers and upon other matters transacted at the meetings of the said corporation.

SEC. 8. Said corporation is hereby authorized and empowered to receive money or other property by gift, grant or bequest, or otherwise to be expended in whole or in part, or the income only, in maintaining, improving or beautifying any lot or lots or any portion of the cemetery, in such manner as shall be provided by the terms of such gift, grant or bequest.

SEC. 9. Said association may, by vote of a majority of the trustees, enter into a contract binding upon said corporation, for the perpetual or temporary care of any lots or portions of the cemetery, for such consideration as shall be agreed upon and may in deed or deeds executed by the trustees, for such consideration as shall be agreed upon, enter into an agreement, binding the said corporation for the temporary or perpetual care of such property as shall be therein described and in every such case it shall be the duty of the trustees and their successors to faithfully carry out all such contracts and agreements in accordance with the terms of the same.

SEC. 10. The trustees of said corporation are hereby authorized to invest any funds received by them under the provisions of this act, unless otherwise directed by the donors, in the same manner and in the same securities as savings banks, savings institutions and trust companies are now or hereafter may be authorized by the laws of the state of Vermont to make investments, and not otherwise. Said trustees shall make an annual report of such funds, showing the amount thereof, how the same is invested, the income therefrom and how the same has been applied.

SEC. 11. The corporation may take lands for the enlargement of its cemetery subject to the statute regulations in regard to the same, and if unable to agree with the owner of the lands required for that purpose, it may acquire said lands in the manner prescribed in sections 3612 and 3618 inclusive of the Vermont Statutes.

SEC. 12. This act shall take effect from its passage.  
Approved December 7, 1906.

No. 379.—AN ACT TO AMEND NO. 294 OF THE ACTS OF 1904, ENTITLED "AN ACT TO INCORPORATE THE AMERICAN TRUST COMPANY, AND TO EXTEND THE PROVISIONS OF THE SAME."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Number 294 of the acts of 1904 is hereby amended by striking out the words "American Trust Company" wherever such words appear in such act, and inserting in lieu thereof the words "Baxter Trust Company."

SEC. 2. The provisions of such act are hereby extended for two years from December 7, 1906.

SEC. 3. This act shall take effect from its passage.

Approved December 6, 1906.

No. 380.—AN ACT TO INCORPORATE THE ADDISON COUNTY TRUST COMPANY.

Section.

1. Powers.
2. Capital stock.
3. Subscription to stock.
4. Allotment of stock.
5. Voting.
6. Payment for stock.
7. Election of directors.
8. Subsequent election.
9. Transfer of stock.

Section.

10. Powers.
11. By-laws.
12. Organization.
13. Compensation for care of trust property.
14. Impairment of stock.
15. Subject to general law.
16. Takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The subscribers to the capital stock of the corporation hereby established, and their successors and assigns are constituted a corporation and body politic, by the name of the Addison County Trust Company; and by that name may sue and be sued; may have a common seal and the same may alter at pleasure; and shall have and enjoy all the privileges incident to corporations; and said trust company shall be established in the town of Middlebury, in the county of Addison.

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same from time to time to an amount not exceeding one hundred thousand dollars by a vote of a majority of the whole capital stock at a meeting of the stockholders called for that purpose, and shall be divided into shares of the par value of one hundred dollars



7. To issue letters of credit upon such terms as may be agreed upon by the directors.

SEC. 11. The directors of said corporation may make such by-laws and regulations as they deem necessary and proper not inconsistent with this act or the laws of the state.

SEC. 12. The corporation shall be allowed as compensation for the care of trust property, the investment and collection of the same, and for other services rendered in the execution of each trust, such sums as shall be agreed upon, and in the absence of any agreement, such compensation as is fixed by the by-laws or regulations of said corporation in force at the time such trust is created.

SEC. 13. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment, and no dividends shall be made or declared upon the capital stock of said corporation until the same are actually earned and realized over and above all losses and expenses.

SEC. 14. This corporation shall be subject to the provisions applicable to trust companies and to all general laws which may hereafter be enacted in relation to trust companies.

SEC. 15. Said corporation shall organize within two years from the passage of this act.

SEC. 16. This act shall take effect from its passage.

Approved December 7, 1906.

No. 396.—AN ACT TO AMEND NO. 302 OF THE ACTS OF 1904, ENTITLED "AN ACT TO INCORPORATE THE RUTLAND COUNTY TRUST COMPANY," EXTENDING THE PROVISIONS OF THE SAME.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The provisions of No. 302 of the acts of 1904, entitled "An act to incorporate the Rutland County Trust Company," are hereby extended for two years from December 7, 1906.

SEC. 2. This act shall take effect from its passage.

Approved November 15, 1906.

No. 397.—AN ACT TO INCORPORATE THE SPRINGFIELD TRUST COMPANY.

Section	Section
1. Incorporators.	9. Transfer of stock.
2. Capital stock.	10. Powers.
3. Subscriptions to stock.	11. By-laws.
4. First meeting.	12. Organization.
5. Voting.	13. Compensation.
6. Allotment of shares.	14. Impairment of stock.
7. Directors.	15. Subject to general law.
8. Subsequent election.	16. Takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The subscribers to the capital stock of the corporation hereby established, and their successors and assigns are constituted a corporation and body politic, by the name of the Springfield Trust Company; and by that name may sue and be sued; may have a common seal and the same may alter at pleasure; and shall have and enjoy all the privileges incident to corporations; and said trust company shall be established in Springfield village, in the county of Windsor.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same from time to time to an amount not exceeding two hundred thousand dollars by a vote of the majority of the whole capital stock at a meeting of the stockholders called for that purpose, and shall be divided into shares of the par value of one hundred dollars each, to be paid in at such times and in such manner as the board of directors may direct.

SEC. 3. James Hartness, William H. H. Slack, William D. Woolson, John T. Slack, Walter W. Brown, Charles A. Woolson and Herbert H. Blanchard, Charles A. Forbush, Fred G. Field, George F. Leland, John W. Bennett, Charles G. Richardson, Merrill L. Lawrence, all of Springfield and Charles F. Aldrich of Weathersfield, or a majority of them, are appointed commissioners for receiving subscriptions for shares in the capital stock of said corporation and they shall open books for that purpose at Springfield village within two years after the passage of this act, notice of which opening shall be published in a newspaper printed in Windsor county three weeks in succession, the last of which shall not be more than two weeks previous to the day fixed by the commissioners, and said notice shall be signed by a majority of said commissioners. The said commissioners shall be sworn to a faithful performance of their duties, and such books shall continue open from ten o'clock A. M. till four o'clock P. M. each day for the space of five days, Sundays excepted, and thereafter until one thousand shares shall be subscribed for. The commissioners, in case that more than the



deposit with the commissioners ten dollars on each share by them subscribed for. The commissioners, in case that more than the whole amount of the capital stock is subscribed for, shall allot and distribute the same among the subscribers in such manner as they deem most for the interest of all concerned; and if there shall be an increase in the capital stock of said corporation as herein provided, the said increase shall be divided among the then stockholders pro rata if they will accept the same, and in case the whole of such increase is not then distributed the surplus may be divided among the then stockholders of said corporation, who will receive and pay for the same in proportion to the amount of stock held by them, or in such other manner as the board of trustees shall determine.

SEC. 4. Said commissioners shall, upon the whole amount of stock being subscribed for, or as soon after as they shall think proper, not exceeding sixty days, call a meeting of the stockholders of said corporation at such place in Springfield village as they shall think proper, by publishing a notice thereof signed by a majority of them, in a weekly newspaper printed in Windsor county three weeks successively previous to such meeting, for the purpose of electing directors of said corporation; and said commissioners shall deliver to said directors of said corporation when elected, and within ten days after they shall enter upon the duties of their office, a list of all the names of persons entitled to shares in said corporation, and the number of shares to which each is entitled, and the sum by each deposited with them, and also the moneys received by them on deposit on said shares; which list the said directors shall cause to be recorded in the books of said corporation and thereupon issue certificates to such subscribers for their stock.

SEC. 5. Each share of stock shall entitle its holder to one vote at all meetings of the stockholders, who may vote in person or by proxies duly authorized in writing.

SEC. 6. The corporation shall not commence business until at least fifty per cent. of the whole capital stock shall have been paid into said corporation. After the shares shall have been distributed and allotted, each stockholder shall pay the whole amount remaining due on shares so held by him, at such time or times as the board of directors shall appoint, of which time at least ten days' notice shall be given to each subscriber by mail and publishing the same in some newspaper published in Windsor county and the shares of each stockholder omitting to make such payment shall be forfeited together with all previous payments made thereon, provided that the whole of said capital stock shall be actually paid in within two years from the date of the organization of the corporation.

SEC. 7. The business of said corporation shall be managed by not less than five nor more than nine directors, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in said corporation each to the amount of at least one thousand dollars, and shall be inhabitants of this state. Such directors shall be elected annually at such time and place as the by-laws of such corporation shall provide, and shall, except those first elected who shall hold until their successors are elected and qualified, hold their offices for one year from the time of their election and until their successors are elected and qualified. Public notice of each meeting of the stockholders of this corporation for the election of said directors, shall be given by publication in a newspaper printed in Windsor county, at least two weeks successively next preceding such election; all such elections shall be by ballot of the stockholders of said corporation who shall be present at said meeting in person or by proxy, and the several persons who shall receive the greatest number of votes at such election shall be directors; and if any two or more persons shall receive an equal number of votes, so that more than the required number of persons shall by a plurality of votes appear to be elected, the stockholders shall proceed to ballot a second time, and by a plurality of votes determine which of such persons, so having an equal number of votes shall be directors; and in case any vacancy happens by death, resignation or otherwise, the vacancy shall be filled from among the stockholders by a majority of the remaining directors. After their election the directors shall elect from among their number, a president and vice-president.

SEC. 8. If the election of directors shall not be made on the day herein prescribed, said corporation shall not thereby be dissolved, but a meeting for the election of directors may be held on any day under such regulations as shall be prescribed by the by-laws of said corporation.

SEC. 9. The shares of said corporation shall be transferred only in such manner and under such regulations as shall be prescribed by the by-laws of the corporation; provided that no transfer shall be valid until recorded by the treasurer, or, in his absence, by one of the directors, in a book kept for that purpose. Said corporation shall have a lien upon the stock of each stockholder for any indebtedness, direct or indirect, of such stockholder to itself, subject to sale as property is sold under a conditional vendor's lien, and it may refuse to transfer the shares of such stockholder until such indebtedness is satisfied, provided said corporation has given notice of its right so to do, as required by section three thousand six hundred eighty-eight of the Vermont Statutes.



SEC. 10. The corporation hereby created shall also have power:

1. To receive moneys on deposit or in trust, at such rate of interest or on such terms as may be agreed upon, the rate of interest to be allowed for deposits not exceeding the legal rate.

2. To accept and execute all such trusts of every description, and not inconsistent with the laws of this state, as may be committed to it by any person or persons whomsoever, or by any corporation, or by any order of the supreme court, probate court or other court of record in this state.

3. To take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate, on trusts created in accordance with the laws of this state, and execute such legal trusts on such terms as may be declared, established or agreed upon, then the trust property is only to be invested as provided by the terms of this act.

4. To accept deposits where public officers or municipal or private corporations are authorized or required by law to deposit money in a bank; and such deposit may be made by such officers or corporations with the said Springfield Trust Company.

5. To issue letters of credit upon such terms as may be agreed upon by the directors.

6. To act as agent for the purpose of issuing, registering or countersigning the certificates of stock, or other evidence of a debt of any corporation, association, municipality, state or public authority, and for collection of interests or dividends on the same, on such terms as may be agreed upon.

7. To purchase and sell stocks, bonds, mortgages and other evidences of indebtedness.

SEC. 11. The directors of said corporation may make such by-laws and regulations as they may deem necessary and proper, not inconsistent with this act, or the laws of this state.

SEC. 12. Said corporation shall organize within two years from the passage of this act.

SEC. 13. Said corporation shall be allowed as compensation for the care of trust property, the investment and collection of the same, and for other services rendered in the execution of such trust, such sums as shall be agreed upon; and in the absence of any agreement such compensation as is fixed by the by-laws or regulations of said corporation in force at the time such trust is executed.

SEC. 14. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment; and no dividends shall be made or declared upon the capital stock of said corpora-

tion until the same are actually earned and realized over and above all losses and expenses.

SEC. 15. This corporation shall, except as herein provided, be subject to all the provisions of law applicable to trust companies, and also to all general laws which may hereafter be enacted in relation to trust companies, and the general assembly may at any time hereafter modify or repeal this act or any part thereof.

SEC. 16. This act shall take effect from its passage.

Approved December 19, 1906.

No. 398.—AN ACT TO AMEND SECTION 3 OF NO. 177 OF THE ACTS OF 1892, ENTITLED "AN ACT TO INCORPORATE THE VERMONT TRUST COMPANY," RELATING TO STOCK SUBSCRIPTIONS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 3 of No. 177 of the acts of 1892, is hereby amended so as to read as follows, viz.:

Section 3. The books for receiving stock subscriptions for shares in said corporation shall be opened at Hartford, in the county of Windsor, at such time as shall be designated by a majority of the commissioners hereinafter named, notice of which opening shall be published in a newspaper printed in said county of Windsor, three weeks in succession, the last of which shall not be more than two weeks previous to the day fixed by the commissioners for such opening, and said notices shall be signed by a majority of such commissioners under the direction of Samuel E. Pingree, E. Henry Powell, Truman C. Fletcher, Edward C. Smith, Joseph W. Leighton, David A. Perrin, William C. Renahan, George H. Watson, Chas. D. Hayes, Frank Collins, and Alfred E. Watson, or a majority of them then surviving, who are hereby appointed commissioners for that purpose, who shall be sworn to the faithful discharge of their duties; and such books shall continue open from ten o'clock A. M. until four P. M. each day, Sundays excepted, for the space of ten days, and thereafter until five hundred shares shall be subscribed; and the subscribers shall, at the time of subscribing, deposit with the commissioners, ten dollars on each share by them subscribed. In



case more than the whole amount of the capital stock is subscribed, said commissioners shall allot and distribute the same among the subscribers in such manner as they may deem most for the interest of all concerned, and if there shall be an increase of the capital stock of said corporation as herein provided, said increase shall be divided among the then stockholders pro rata if they will accept the same, and, in case the whole of such increase is not thus distributed, the surplus may be divided among the then stockholders of said corporation, who will receive and pay for the same, in proportion to the amount of stock held by them, or in such other manner as the board of directors shall determine.

SEC. 2. This act shall take effect from its passage.  
Approved November 23, 1906.

No. 399.—AN ACT TO AMEND SECTION 6 OF NO. 306 OF THE ACTS OF 1904, ENTITLED "AN ACT TO INCORPORATE THE WEST RUTLAND TRUST COMPANY," RELATING TO CAPITAL STOCK.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 6 of No. 306 of the acts of 1904, is hereby amended so as to read as follows, viz.:

SEC. 6. The corporation shall not commence business until at least fifty per cent. of the whole capital stock is paid into said corporation. After the shares have been distributed and allotted, each stockholder shall pay the whole amount remaining due on shares so held by him, at such time or times as the board of directors appoint, of which at least ten days' notice shall be given to each subscriber by mail and publishing the same in some newspaper published in Rutland county, and the shares of each stockholder omitting to make such payment shall be forfeited together with all previous payments made thereon, provided that the whole of said capital stock shall be actually paid in within four years from the date of the organization of the corporation.

Approved November 13, 1906.

No. 400.—AN ACT TO INCORPORATE THE WINDSOR COUNTY TRUST COMPANY AT WINDSOR, VERMONT.

Section	Section
1. Incorporators.	9. Transfer of stock.
2. Capital stock.	10. Powers.
3. Subscriptions to stock.	11. By-laws.
4. Meeting of stockholders, directors.	12. Compensation.
5. Voting.	13. Loans to officers.
6. Allotment of shares.	14. Impairment of stock.
7. Directors.	15. Subject to general law.
8. Failure to hold meeting.	16. Takes effect from passage.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The subscribers to the capital stock of the corporation hereby established and their successors and assigns are constituted a corporation and body politic, by the name of the Windsor County Trust Company; and by that name may sue and be sued; may have a common seal and the same may alter at pleasure; may purchase and hold real and personal estate for their own use and such real and personal estate as may be received in the collection of debts, and may sell and convey the same and shall have and enjoy all the privileges incident to corporations; and said trust company shall be established in the town of Windsor in the county of Windsor.

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same from time to time to an amount not exceeding two hundred thousand dollars by a vote of a majority of the whole capital stock at a meeting of stockholders called for that purpose, and shall be divided into shares of the par value of one hundred dollars each, to be paid in at such times and in such manner as the board of directors may direct.

SEC. 3. H. P. McClary, S. R. Bryant, T. C. Lull, C. D. Penniman and Chas. Stone are appointed commissioners for receiving subscriptions for shares in the capital stock of said corporation, and they shall open books for that purpose in the town of Windsor, in the county of Windsor, within two years after the passage of this act, and notice of the time and place of such opening shall be published at least three weeks in succession in a newspaper published in said Windsor county, the last of which publications shall not be more than two weeks previous to the day fixed for such opening, which notice shall be signed by at least a majority of said commissioners. Said commissioners shall be sworn to the faithful discharge of their duties and such books shall continue open from ten o'clock in the forenoon until four o'clock in the afternoon of each day, Sundays excepted,



No. 408.—AN ACT TO AMEND SECTION 4 OF NO. 249 OF THE ACTS OF 1894, ENTITLED "AN ACT TO INCORPORATE THE SHOREHAM TELEPHONE AND TELEGRAPH COMPANY," AS AMENDED BY SECTION 1 OF NO. 273 OF THE ACTS OF 1902, RELATING TO THE OFFICERS OF THE CORPORATION.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 4 of No. 29 of the acts of 1894, as amended by section 1 of No. 273 of the acts of 1902, is hereby amended so as to read as follows, viz.:

Section 4. The officers of this corporation shall be a president, secretary, five directors, manager and treasurer and auditor, who shall be elected at such times and perform such duties as shall be specified in the by-laws, and shall hold their respective offices for one year from the date of their election and until their successors are chosen.

SEC. 2. This act shall take effect from its passage.

Approved November 19, 1906.

No. 409.—AN ACT TO INCORPORATE THE "VERMONT HOME TELEPHONE COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Warner H. Baldwin, Le Roy W. Baldwin, Fred A. Field, James A. Merrill, Charles S. Caverly of the city of Rutland, state of Vermont, Irving H. Griswold, Samuel B. Rawson, Theodore M. Brush, Frederick H. Sudro of the city of Elyria, state of Ohio, Howard Hendrickson, Emanuel H. Toedt, Irving R. Coughtry of the city of Albany, state of New York, James H. Caldwell, Peter McCarthy and William C. Gear of the city of Troy, state of New York, their associates and successors, are hereby constituted a body politic and corporate by and under the name of "Vermont Home Telephone Company" for the purpose and with the right, power and authority to acquire, operate, build, erect, construct, and maintain, a line or lines of electric telephone and telegraph, with the necessary fixtures, upon, over or under any of the public roads, streets,

highways, squares and public places in the several cities, towns and villages of this state; and through, across or under any of the waters within the limits of this state, and may connect with any telephone or telegraph company now operating or that may hereafter operate or extend its lines in or through this state.

SEC. 2. The principal office of said corporation shall be at the city of Rutland, Vermont.

SEC. 3. The capital stock shall be to any amount not exceeding one million dollars and shall be divided into shares of the par value of one hundred dollars each, transferable in such manner as the by-laws of the company shall direct. Said corporation may increase its capital stock to any amount not exceeding two million dollars provided stockholders owning at least a majority of the capital stock issued and outstanding shall so vote, in person or by proxy, at a meeting of stockholders duly warned and called for that purpose.

SEC. 4. Said corporation may adopt by-laws and therein provide and fix the time and place of holding all meetings and the manner of calling and conducting the same; regulate the number of directors and officers, the manner of choosing the same, their tenure of office and their powers and duties, and such other provisions as may be deemed expedient for the transaction of its business and the government of its officers and stockholders, not inconsistent with the laws of this state, and may alter or amend such by-laws as therein provided.

SEC. 5. The corporation may make contracts; may hold by purchase, grant, gift, devise or bequest real and personal property of all kinds and any interest therein and may manage, mortgage, convey and dispose of the same; may borrow money and issue its bonds therefor and secure the same by mortgage upon all its franchises, privileges and property; may have a common seal and alter the same at pleasure; may sue and be sued in and by its corporate name and may enjoy all other rights and privileges incident to such corporations. But no debts shall be contracted by the corporation exceeding in amount two-thirds of the capital stock actually paid in; and a director assenting to the creation of an indebtedness exceeding such amount, shall be personally liable for the excess.

SEC. 6. The affairs of the corporation shall be managed by a board of directors of not less than five members, as may be provided in its by-laws, who shall be stockholders of the company and shall be elected annually at a meeting of the stockholders held at the principal office of the company as provided in its by-laws.

SEC. 7. The first meeting of the corporation shall be held within three months from the passage of this act for the pur-



pose of organizing said corporation by the election of directors and officers, the adoption of by-laws and the transaction of any other business that may be brought before such meeting. Any three of the persons named herein as incorporators may call such meeting by delivering to each of the persons named as incorporators, or leaving at his abode, or mailing prepaid to his address, a notice, at least seven days prior thereto, of the time and place of such meeting; or it may be held without previous notice, if all the incorporators voluntarily assemble for the purpose, or agree thereto in writing; in which case a record shall be made of such voluntary meeting or agreement. At such meeting a majority of the incorporators shall constitute a quorum and are authorized to transact any and all business that may be brought before such meeting.

SEC. 8. This act shall be subject to the provisions of chapter one hundred sixty-four of the Vermont Statutes relating to private corporations, and chapter one hundred seventy-nine of the Vermont Statutes relating to telegraph, telephone, electric light and express companies.

Approved November 13, 1906.

#### No. 410.—AN ACT TO INCORPORATE THE WEATHERSFIELD TELEPHONE COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Fred H. Nichols, Chas. F. Aldrich, Emerson B. Leland, J. Fred B. Hubbard, Willis W. Aldrich, Wm. B. Page, John H. Hicks and Allen M. Wilder all of Weathersfield in the County of Windsor, their associates and successors, are hereby constituted a body politic and corporate by the name of the "Weathersfield Telephone Company" for the purpose and with the right of acquiring, building, maintaining and operating telephone and telegraph lines in the towns of Weathersfield, Baltimore and Chester, and from and through such other towns, cities and villages and to and from such points as shall be most convenient to meet the needs of the incorporators and other inhabitants of the state, and may connect with any telephone and telegraph lines now running, or that may be hereafter extended into or through the state; and by said name may sue and be sued, plead and be impleaded, and may have a common seal and

the same alter at pleasure, and may enjoy all the other rights and powers incident to such corporations. The principal office of said corporation shall be at Perkinsville in the town of Weathersfield, Vermont.

SEC. 2. The capital stock of said company may be to any amount necessary for the purposes herein contemplated, not less than three thousand dollars and not exceeding ten thousand dollars, and shall be divided into shares of ten dollars each, which shares shall be full paid and non-assessable, when the directors of said corporation receive in payment therefor their full value in cash or property of equal value. Said shares shall be deemed personal property and shall be transferable in such manner as said corporation by its by-laws shall direct; provided that no transfer of such stock shall be valid until recorded by the secretary or treasurer of said corporation, or in their absence by one of the directors of said corporation, in a book to be kept for that purpose. Said company may increase its capital stock to an amount not exceeding fifty thousand dollars provided the stockholders at a meeting regularly warned for that purpose, by a vote of a majority of the stock represented and voting, so vote.

SEC. 3. The affairs of said company shall be managed by a board of directors of not less than three nor more than seven, who shall be stockholders in and patrons of said company, and who shall be elected annually by the stockholders at the annual meeting of said corporation to be holden at such time and place as said company by its by-laws, shall designate.

SEC. 4. The officers of said company shall consist of a president, vice-president, secretary, treasurer and a board of directors as above specified, who shall be stockholders in and patrons of said company as above, and who shall be elected annually and hold their office one year, or until successors are chosen, and all the above officers to be elected by a majority both of stockholders present and shares of stock represented. Vacancies in any office may be filled for the unexpired term by the directors.

SEC. 5. The first meeting of said company shall be called by Fred H. Nichols at Perkinsville, Vermont, at such time as he shall appoint within one year from the passage of this act, for the purpose of choosing a president, vice-president, secretary, treasurer and a board of directors as above specified, and at least ten days' notice in writing of such meeting shall be given to each of the incorporators; and at said meeting and at all other meetings legally notified and held said corporation may make, alter and amend all such by-laws, rules and regulations for the management of the business of said corporation as a majority both of stockholders present and shares of stock represented may direct.



*Rutland Probate Court.*

# ACTS and RESOLVES

Passed by the

GENERAL ASSEMBLY

of the

STATE OF VERMONT

at the

TWENTIETH BIENNIAL SESSION

1908

Session Commenced Oct. 7, 1908; Adjourned Jan. 29, 1909



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1908

**Acts & Resolves 1908**



tions or any superintendent of any penal or reformatory institution, to attend a session of any prison congress at the expense of the state.

SEC. 2. This act shall take effect from its passage.

Approved November 13, 1908.

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No. 173.—AN ACT TO AMEND SECTION 5999 OF THE PUBLIC STATUTES, RELATING TO THE DUTIES OF THE BOARD OF PENAL INSTITUTIONS, AND OF THE AUDITOR OF ACCOUNTS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 5999 of the Public Statutes is hereby amended so as to read as follows:

Section 5999. Said board shall quarterly, during the first ten days of the months of March, June, September and December, file with the auditor of accounts a detailed statement of how the prisoners confined in the state prison and house of correction have been employed during the three months preceding the filing of such statement. Such statement shall show the average number confined each month, the kind and nature of the employment each prisoner has been engaged in and the number of days so employed, the rate received for each prisoner per day, and the amount paid to the state treasurer, and shall also show in detail the accounts and notes to become due, with dates of maturity, the outstanding liabilities, all moneys paid for labor and material, with vouchers therefor, and moneys received; and such statement shall include an account of stock on hand in detail when required by the auditor of accounts. Such statement shall be verified by the oath of a majority of said board. A member of said board who falsely swears to a quarterly statement shall be guilty of perjury. The auditor of accounts shall quarterly, during the months of March, June, September and December, at the state prison and house of correction, audit all the books, accounts and transactions in any way connected with such institutions.

Approved December 11, 1908.

No. 174.—AN ACT RELATING TO TRANSFER OF PRISONERS FROM THE STATE PRISON TO THE HOUSE OF CORRECTION AND FROM THE HOUSE OF CORRECTION TO THE STATE PRISON.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. A person confined in the state prison in execution of a sentence may be transferred to the house of correction to serve the remainder of his sentence, and a person confined in the house of correction in execution of a sentence may be transferred to the state prison to serve the remainder of his sentence, upon the written order of the governor, but no prisoner shall be so transferred without his consent. A person transferred from the house of correction under this act shall forfeit no rights under the law that would have remained to him as a prisoner in the house of correction.

SEC. 2. This act shall take effect from its passage.

Approved December 18, 1908.

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No. 175.—AN ACT TO AMEND SECTION 6007 OF THE PUBLIC STATUTES, RELATING TO REPORTS OF SUPERINTENDENTS OF THE STATE PRISON, THE HOUSE OF CORRECTION AND THE VERMONT INDUSTRIAL SCHOOL.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 6007 of the Public Statutes is hereby amended so as to read as follows:

Section 6007. The superintendent of each institution shall biennially make a report to the general assembly, showing the condition of the institution of which he has charge, the amount of money received during the two years, from what source, the disposition of the same, the number of prisoners committed, the number discharged, and whether discharged on account of expiration of term of sentence, or paroled or pardoned by the governor, or for other cause, and the deaths of the prisoners and the causes thereof.

Approved December 11, 1908.

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No. 176.—AN ACT RELATING TO COMMITMENTS FOR MISDEMEANORS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Whenever a person is convicted of a crime, not a felony, which may be punished by imprisonment and a



No. 249.—AN ACT TO AMEND THE CHARTER OF THE CITY OF RUTLAND.

*It is hereby enacted by the General Assembly of the State of Vermont:*

No. 110 of the acts of 1892, entitled "An act to incorporate the city of Rutland," as amended by Nos. 285 and 286 of the acts of 1894, No. 163 of the acts of 1900, No. 226 of the acts of 1902, and No. 225 of the acts of 1904, and all acts in amendment thereof heretofore enacted, is hereby amended so as to read as follows, viz.:

TITLE I.

INCORPORATION, CITY AND WARD BOUNDARIES.

SECTION 1. The inhabitants of that portion of the town of Rutland included within the following boundaries, to wit:

Beginning at the point in the east line of what was formerly school district No. 3, where the south line of the James M. Fisk farm extended easterly intersects said east line, thence westerly on the said south line of the James M. Fisk farm and extension thereof to the east line of Main street; thence northerly on the east line of Main street to the north line of said school district No. 3; thence westerly on the said north line of school district No. 3 to the "Quarter Line," so called, on the top of Pine hill; thence southerly on said "Quarter Line" to Evergreen cemetery; thence westerly and southerly on the lines of said cemetery to the southerly end of the extreme westerly boundary in 1892; thence easterly and southerly along what was the boundary of said cemetery in 1892 to the north line of West street; thence across West street at an angle of 90 degrees therewith to the southerly line thereof; thence easterly on the south line of West street to its intersection with the west line of the Ripley road; thence southerly on the west line of the Ripley road to its intersection with the center line of Otter creek; thence westerly in the said center line of said creek to its intersection with a straight line run from the point of intersection of the said extreme westerly boundary of Evergreen cemetery produced southerly and the north line of West street to the original northwest corner of Percival W. Clement's homestead lot on the south side of the highway; thence southerly on said straight line as above described to the said original northwest corner of said Clement's homestead lot; thence southwesterly on the original westerly line of said Clement's land and an extension thereof to the west line of the highway known as the "Campbell road," thence southerly and easterly on the westerly and southerly line of said highway and on the westerly line of the highway known as

the "river road," if necessary, to a point due west of what was formerly the southwest corner of the Mussey farm, so called; thence in a straight line due east, magnetic bearing in 1892, through the said southwest corner of the Mussey farm which was also the northwest corner of the house lot of the Ruel Todd estate to its intersection with what was formerly the east line of the Rutland graded school district, produced southerly; thence northerly on said production of said east line of the Rutland graded school district and on said east line itself to the northeast corner thereof; thence westerly on the north line of said graded school district to the said east line of school district No. 3; thence northerly on the said east line of said district No. 3 to the place of beginning, meaning hereby to describe the boundaries as contained in the original act of incorporation, No. 110 acts of 1892, excepting thereout that portion included in such boundaries as was cut out and annexed to the town of Rutland by act No. 190 of the laws of 1894, are hereby continued to be incorporated and a body corporate and politic, under the name of the city of Rutland; and by that name may sue and be sued, prosecute and defend in any court; may have a common seal and alter it at pleasure; may take, hold, purchase and convey such property, real and personal, as the purposes of the corporation may require; may borrow on the credit of the city, in the mode under the restrictions hereinafter provided; may elect a representative to the General Assembly of the state, and the same number of justices of peace as a town of equal population; and generally shall have, exercise and enjoy all such rights, immunities, powers and privileges as are conferred upon or are incident to towns in this state; and shall be subject to like duties, liabilities and obligations, except as otherwise provided in this act.

SEC. 2. The city of Rutland is hereby divided into 11 wards, constituted as follows:—

WARD 1. Beginning at the northeast corner of ward one of the village of Rutland; thence westerly on the north line of said ward to a point two hundred forty-six feet west of the center line of Main street; thence southerly on a line parallel with the center line of Main street to the center line of Center street; thence easterly on the center line of Center street and on the same line produced to the east line of the Rutland graded school district; thence northerly on the boundary line of said district and following said boundary line to the place of beginning.

WARD 2. Beginning at the southeast corner of ward one; thence westerly on the south line of ward one to the southwest corner of ward one; thence southerly on a line parallel with the center line of Main street to the south line of the village of Rutland; thence easterly on the south line of said village to the



southeast corner of said village; thence following the boundary line of the Rutland graded school district to the place of beginning.

WARD 3. Beginning at the center line of Washington street at its intersection with the west line of ward two; thence westerly on the center line of Washington street and on the same line produced westerly until its intersection with the center line of Franklin street produced easterly; thence southwesterly on said produced line of Franklin street until it intersects with the center line of Spruce street produced northerly; thence southerly on said produced center line of Spruce street and on the center line of Spruce street to the south line of the village of Rutland; thence easterly on the south line of the village to the southwest corner of ward two; thence northerly on the west line of ward two to the place of beginning.

WARD 4. Beginning at the intersection of the center line of West street with the west line of ward one; thence westerly in the center line of West street to the center line of Merchants row; thence southerly on the center line of Merchants row to the angle in said Merchants row; thence southerly in a straight line to the northwest corner of ward three; thence northeasterly and easterly in the northwest and north line of ward three, to the northeast corner of ward three; thence northerly in the west line of ward two and in the west line of ward one to the place of beginning.

WARD 5. Beginning at the northeast corner of ward four; thence northerly in the west line of ward one to the northwest corner of ward one; thence westerly on the north line of ward five of the village of Rutland to the center line of Merchants row; thence southerly in the center line of Merchants row to the center line of West street; thence easterly in the center line of West street to the place of beginning.

WARD 6. Beginning at the northwest corner of ward five; thence westerly in the north line of ward six of the village of Rutland to East creek; thence southerly on the center line of East creek to the center line of State street; thence easterly on the center line of State street to the center of Grove street; thence northerly on the center line of Grove street to the place of beginning.

WARD 7. Beginning at the southeast corner of ward six; thence southerly on the west line of ward five, and on the west line of ward four to the southwest corner of ward four; thence southwesterly on the center line of Franklin street produced easterly, and on the center line of Franklin street to the center line of Forest street; thence westerly in a line parallel with the center line of River street to the center line of Otter creek; thence northerly on the center line of Otter creek to the center line of East creek, and on the center line of East creek to the southwest corner of ward six; thence easterly on the south line of ward six to the place of beginning.

WARD 8. Beginning at the southeast corner of ward seven; thence westerly on the south line of ward seven to the center of Otter creek; thence southerly in the center line of Otter creek to south line of the village of Rutland; thence easterly on the south line of said village to the center line of Spruce street; thence northerly on the west line of ward three to the place of beginning.

WARD 9. All that part of school district No. 3 in said town of Rutland, including ward nine of the village of Rutland, that lies easterly of the center line of East creek.

WARD 10. All that part of the city of Rutland that lies west of the center line of East creek and the center line of Otter creek.

WARD 11. All the rest and remainder of said city of Rutland shall constitute ward eleven of said city.

SEC. 3. The city council are empowered to make such changes, from time to time, in the number and boundaries of the several wards of the city as they may deem proper, having regard, so far as practicable and convenient, to an equal division of population among them; provided that after the first change so made, such changes shall not be made oftener than once in five years.

## TITLE II.

### ELECTIONS AND CITY MEETINGS — CITY ELECTIONS.

SEC. 4. On the first Tuesday in March, 1909 and biennially thereafter, the legal voters of the said city shall elect, from among their number, a mayor, and on the said first Tuesday in March, 1909, and annually thereafter, they shall elect from among their number, a treasurer, a city constable, a grand juror; and on said first Tuesday in March, 1909, and biennially thereafter, they shall elect from among their number six aldermen, who shall hold office for two years; and who shall succeed the six aldermen, whose terms then expire and on the first Tuesday in March, 1910, and biennially thereafter, they shall elect from among their number five aldermen, who shall hold office for two years and who shall succeed the five aldermen whose terms then expire.

On the first Tuesday in March, 1909, the legal voters of said city shall elect from among their number, one assessor, who shall hold office for three years, and on the first Tuesday in March, 1910, they shall elect from among their number, one assessor who shall hold office for three years, and on the first Tuesday in March, 1911, they shall elect from among their number, one assessor, who shall hold office for three years; these assessors, respectively, to succeed the assessors whose terms expire, respectively in 1909, 1910, and 1911, and annually



thereafter they shall elect one assessor, as the term of any one assessor expires, to hold office for three years.

On the first Tuesday in March, 1909, the legal voters of the city shall elect from among their number four school commissioners who shall hold office for three years from July 1, 1909; and on the first Tuesday in March, 1910, they shall elect from their number four school commissioners who shall hold office for three years from July 1, 1910; and on the first Tuesday in March, 1911, they shall elect from among their number three school commissioners who shall hold office for three years from July 1, 1911; these commissioners, respectively, to succeed the commissioners whose terms expire, respectively, in 1909, 1910 and 1911, and annually thereafter school commissioners shall be elected at the general city election by the legal voters of said city as their respective terms expire, to hold office for three years from July 1st following, and until their successors are elected and have qualified.

On the first Tuesday in March, 1909, and annually thereafter, the legal voters in each ward shall elect from among their number the ward officers hereinafter provided for.

All officers of said City of Rutland, who have been duly elected or appointed and have qualified under the provisions of the charter in force before the passing of this act, and all such officers who shall be hereafter duly elected or appointed and shall qualify under the provisions of this act, shall continue to hold office until their successors have been duly elected or appointed and have qualified in accordance with the provision of this act.

SEC. 5. The election of all city and ward officers to be elected under the provisions of this act, shall be by ballot, and the person or persons receiving a plurality of all votes cast for any office aforesaid, shall be declared elected thereto.

In case no candidate for mayor, treasurer, constable, assessor, grand juror, alderman, school commissioner or any general office of said city shall receive a plurality of the votes cast, the voters shall proceed to vote again, and so on from time to time until an election shall be made, and the same proceedings shall be had and the same time given for balloting, and, in case of general city officers, the same certificates given, as in case of election of representative to the general assembly. In case of any ward office, if no candidate shall receive a plurality of the votes cast, the mayor shall appoint a legal voter of the ward in which such contingency occurs to fill such office until the next annual election.

#### WARNINGS.

SEC. 6. All warnings for meetings for the election of city or ward officers, and for general meetings of all the legal voters of said city, for any purpose, shall be issued by the mayor

and published in the manner and for the length of time designated in the ordinances or by-laws of said city.

#### QUALIFICATIONS OF VOTERS.

SEC. 7. Every male citizen of this state not less than twenty-one years of age, who shall have resided in said city for one year next preceding any city or ward election, and whose list shall have been taken for the purpose of taxation in said city at the annual assessment next preceding any election of city officers therein, and every such citizen whose poll is exempt from taxation for any cause, shall be a legal voter at such election, and no other person shall be allowed to vote at any such election, but any such voter who is a delinquent taxpayer in said city shall not be allowed to vote in any city or ward election therein, until such delinquent taxpayer has paid said tax or taxes due to said city and presents a receipt therefor to the board of civil authority of said city in time to have his name placed on the check-list at a meeting of the board of civil authority.

SEC. 8. No such citizen shall vote except in the ward of which he is a resident, at the time of the election, and he shall not vote for ward officers in any ward in which he has not resided for one month next preceding any such election.

SEC. 9. The same penalties for illegal voting at any city or ward election are hereby prescribed as are provided by law for illegal voting at freemen's meetings.

#### WARD OFFICERS.

SEC. 10. The ward officers shall be a clerk and a first, second and third inspector of election, one of said inspectors to be taken from the minority party casting the largest vote at the general election next preceding, and any other officers required by law of the state for each polling place at an election. See Sec. 16. See Sec. 4, same provision.

SEC. 11. The ward officers shall be sworn to the faithful discharge of their respective duties and shall hold their offices until their successors are chosen and have qualified. They shall be paid such compensation as shall be voted them by the city council.

SEC. 12. In case there is no representative of the minority party herein provided for on the board of inspectors of elections of any ward, the mayor shall, before any election is held in such ward, declare a vacancy in the third inspector's place in such ward, and shall thereupon fill such vacancy by appointing a legal voter residing in such ward and belonging to such minority party.

SEC. 13. In case of a vacancy in any ward office occasioned by death, removal from the ward or city, resignation,



inability to serve, failure to elect or other cause, the same shall be filled by the mayor.

#### CHECK-LISTS.

SEC. 14. Preceding each annual or special city or ward election to be held in said city, it shall be the duty of the city council to prepare full and complete lists of the voters in the respective wards of said city.

One copy of such lists shall be posted by or under the direction of the city clerk in some public place in each of the respective wards of which the voters whose names are on such check-list are residents and one copy in the office of the city clerk at least twenty days previous to any such election.

SEC. 15. Whenever any check-list of voters shall be posted in said city, a notice shall be written or printed thereon, signed by either the mayor or the city clerk setting forth the time and place at which the board of civil authority will meet to make additions thereto or alterations or corrections therein, which time and place shall be previously determined by the city council; but no name shall be added except upon the personal or written application of the voter made to the board of civil authority. The names stricken from the lists shall be posted in the city clerk's office, but no name shall be stricken from the lists on the last day of the meetings to make additions, alterations and corrections.

SEC. 16. The board of civil authority shall, pursuant to such notice, meet to make additions to, or alterations and corrections in said list; and no meeting of the board of civil authority for the correction of such lists shall be held later than five days previous to the day on which such annual or special city or ward election shall be held.

SEC. 17. It shall be the duty of the city clerk to cause the original of each and every check-list of voters at any time ordered to be posted by the city council, to be filed in his office with his certificate attached, that true copies of such lists have been posted as directed by the city council, together with the time and place in said city at which the same were posted, which certificate shall be prima facie evidence of such posting.

SEC. 18. After all such additions, alterations and corrections shall have been made by said city council, a true copy of such check-list shall be made by the city clerk and delivered to the inspectors of election in the several wards, for use at such annual or special city or ward election; and no person whose name is not on such list shall be allowed to vote at any such election.

#### METHOD OF CONDUCTING ELECTIONS.

SEC. 19. All annual and special city elections shall be held in the several wards at nine o'clock in the forenoon, at such

place as shall be designated in the warning therefor, and the polls shall be kept open until four o'clock in the afternoon of the same day.

SEC. 20. It shall be the duty of the clerk of each ward to keep a record of all elections held therein, and to furnish to each officer who shall have been elected for such ward, a certificate of his election, and also immediately after any election in such ward to return to the city clerk a statement of the votes for all officers in his ward, which statement shall be recorded in the city records, and a certificate by the city clerk of the result of such election in the whole city shall be forthwith published in the various newspapers of said city.

SEC. 21. It shall be the duty of the inspectors of election to be present, and preserve order at all elections in their respective wards, to decide all questions relative to the right of any person to vote at such election, and, with the ballot clerks, to sort and count the ballots, and to publicly announce the result to the voters present. The inspectors shall select one of their number to preside at each election.

SEC. 22. For all city or ward elections, and also for the election of representative to the general assembly and of justices of the peace in said city, the city clerk shall prepare all official ballots in the same manner and subject to all the provisions of the laws of this state providing for and regulating the preparation and distribution of official ballots in towns and cities; provided however, that said clerk shall cause to be printed for every ward in said city not less than seventy-five votes for every 50 names or fractional part thereof on the voting list prepared and posted in such ward for any such election; and further provided, that said city clerk shall deliver to the inspectors of election in each ward at said city clerk's office on the day of such election and before the hour for opening the polls in said ward, such number of blocks of ballots containing 100 each as shall nearest represent three-fourths of the whole number required to be printed for such ward, and shall retain the balance of the ballots for each ward so prepared by him.

SEC. 23. In case the inspectors of election in any ward for any cause shall require the ballots so belonging to such ward and retained by said city clerk, or any part thereof, they shall notify him in writing. Said clerk shall thereupon forthwith transmit to said inspectors of election such part or all of said ballots so retained in his possession as said inspectors of election shall specify.

SEC. 24. The city clerk shall keep a record of the whole number of ballots so prepared and delivered; and said inspectors of election shall give to said city clerk, whenever any ballots are received by them, a receipt stating the number of ballots so received. It shall be the duty of the inspectors of election of each ward to deliver the votes cast in that ward to the city clerk securely enclosed and sealed as soon as such votes have



been counted, which votes shall be kept as returned by said city clerk for such period as may be required by the general laws of the state, and in every case for at least 60 days after the election in which such votes were cast.

#### SPECIAL CITY MEETINGS.

SEC. 25. Special meetings of all the legal voters of said city, shall be called by the mayor on the petition of 30 legal voters for any legal purpose beyond the jurisdiction of the city council, said purposes to be set forth in the warning for said meeting.

At such special meetings those persons whose names are on the check-list used for the last city election shall be entitled to vote; and also such persons as were or have become entitled by law to have their names on such check-list and whose names have been added thereto, by the city council since said city election. The city council shall, if necessary, hold a meeting or meetings to make additions to said check-list.

SEC. 26. The questions to be voted upon at any such special meeting shall be determined by ballot. There shall be separate polling places in each ward, for every such special meeting and the ward officers hereinbefore named shall act at such meeting in the same manner and have the same powers as at city or ward elections. For all such meetings it shall be the duty of the city clerk to prepare and distribute suitable ballots in the same manner hereinbefore provided in city and ward elections. Such meetings shall be called at 3 o'clock in the afternoon of the day fixed therefor and the ballot boxes shall remain open not less than five hours.

#### FREEMEN'S MEETINGS.

SEC. 27. Freeman's meetings for all purposes provided by the laws of the state shall be warned by the mayor, and one copy of such warning signed by the mayor, shall be posted in each ward of said city. Such meetings shall be held in the respective wards, and each freeman shall vote only in the ward of which he is an inhabitant at the time of the completion of the check-list of voters therefor.

SEC. 28. Check-lists of voters in the respective wards for each freeman's meeting shall be prepared, posted, corrected and furnished to the inspectors of election therein, in the manner herein provided for city elections; and elections at such freemen's meetings shall be conducted in the manner herein provided for city elections. No person whose name is not on such check-list shall be allowed to vote at any freemen's meeting.

SEC. 29. In all respects, not inconsistent with this act, the provisions of the general statutes respecting freemen's meetings shall apply to such meetings in said city.

SEC. 30. The inspectors of election and ward clerks in the several wards shall perform all and the same duties in regard to certifying the results of elections in their respective wards for state and county officers, justices of the peace, representatives to Congress, electors of president and vice-president of the United States, as now devolve by law upon the presiding officers of freemen's meetings and town clerks respectively in towns; and in addition thereto they shall certify the same to the city clerk, who shall keep a record thereof.

#### CITY REPRESENTATIVE.

SEC. 31. At all freemen's meetings in said city, in which a representative to the general assembly shall be voted for, the inspectors of election in each ward shall, immediately after the votes given in their respective wards for such representative shall have been therein canvassed, make a list of all persons receiving votes for such office and the number of votes for each person so voted for; and said list shall be signed by said inspectors of election, and by the ward clerk if present. Such inspectors of election shall forthwith transmit such list to the city clerk, who shall file the same in his office and make a record thereof.

SEC. 32. The person receiving a majority of the votes cast for representative of said city to the general assembly shall be such representative. The city clerk shall furnish to the person receiving such majority of the votes cast for representative in the whole city, a certificate of election, as is provided by law to be furnished by the presiding officer of freemen's meetings in towns.

SEC. 33. The city clerk, immediately after receiving from the inspectors of election in all the wards the lists above mentioned of the votes cast for representative in their respective wards, shall certify back to such inspectors in each ward the result of the election for city representative in the whole city and the freemen's meeting in each ward shall be held open until such result shall have been so certified back and such result shall be announced by such inspectors to the freemen present.

SEC. 34. If no person shall have received a majority of all the votes in the city for representative, the freemen shall proceed to vote again in their respective wards for such representative as aforesaid, and the results shall be certified to and by the city clerk as aforesaid, and so on from time to time successively, until an election shall be had; and at each successive balloting after the first the box shall not be turned until four hours from the time the city clerk shall certify back to the inspectors of election the result of the last preceding ballot.



## TITLE III.

## CITY COUNCIL AND BOARD OF ALDERMEN

## ADMINISTRATION.

SEC. 35. The administration of all fiscal, prudential, and municipal affairs of said city and the government thereof, shall be vested in the mayor, board of aldermen and other boards and officers herein created. The board of aldermen shall consist of eleven aldermen elected as hereinbefore provided, who shall elect one of their number president of said board, and the mayor and board of aldermen in their joint capacity shall constitute the city council.

## MEETINGS OF THE CITY COUNCIL AND BOARD OF ALDERMEN.

SEC. 36. All meetings of the city council shall, unless otherwise provided, be convened in the same manner as herein provided for calling special meetings of the board of aldermen.

SEC. 37. Regular meetings of the board of aldermen shall be held on the first and third Mondays of each month.

SEC. 38. Special meetings of the board of aldermen may be called at any time by the mayor, and shall be called by the clerk on petition signed by a majority of the aldermen and filed with said clerk. Notice of special meetings shall be served on the aldermen, unless service thereof shall be accepted by them, by some person appointed for such purpose by the one calling such meetings, by delivering to each alderman a true and attested copy of such call, or by leaving such copy at the place of his usual abode, with the return thereon of the person serving the same.

SEC. 39. All meetings of the board of aldermen shall be public except when assembled for executive business.

## BOARD FOR THE ABATEMENT OF TAXES.

SEC. 40. The mayor, board of aldermen and assessors shall constitute a board for the abatement of taxes. Meetings of such board shall be convened in the manner herein prescribed for calling special meetings of the board of aldermen; and notice thereof, signed by the mayor or city clerk, shall be given all taxpayers by publication for two successive days in all the daily newspapers printed in said city, the first of which publications shall not be more than ten days, and the last not more than three days, prior to such meeting.

## BOARD OF CIVIL AUTHORITY.

SEC. 41. The city council shall constitute the board of civil authority for said city.

## MAYOR TO PRESIDE AND VOTE.

SEC. 42. At all meetings of the board of civil authority, and of the board for the abatement of taxes, and in all proceedings by the city council for the purpose of taking lands or other property for public purposes, the mayor shall preside and shall vote as other members thereof.

## VETO POWER OF MAYOR.

SEC. 43. For the enactment of all ordinances and by-laws and the transaction of any other business by the city council, the mayor shall not preside over or sit with the board of aldermen, and the action of the board of aldermen shall require the approval of the mayor except as herein otherwise provided.

SEC. 44. If the mayor shall approve any ordinance or by-law, or any resolution or vote of the board of aldermen in respect to the business above referred to, he shall sign the same. If he shall not approve the same, he shall return it, with his objections in writing, to the board of aldermen at the next regular meeting thereof after it shall have been presented to him, provided that he shall have not less than ten days to consider such ordinance, by-law, resolution, or vote as aforesaid. The board of aldermen shall thereupon proceed to reconsider such ordinance, by-law, resolution or vote, and if, upon such reconsideration, three fourths of the whole number of aldermen shall vote in favor of the same, it shall be valid and take effect, notwithstanding the objections of the mayor.

SEC. 45. If any such ordinance, by-law, resolution or vote shall not be returned by the mayor to the board of aldermen at the next regular meeting of said board after the expiration of ten days from the time he shall have received it, the same shall be valid and take effect without his approval.

## POWERS OF THE CITY COUNCIL.

SEC. 46. The city council shall have power:

I. To establish and regulate a market, and to regulate the selling or peddling of meat, fish or other provisions from vehicles about the city.

II. To restrain and prohibit all descriptions of gaming, and to order the destruction of all instruments and devices used for that purpose.

III. To regulate, license, tax or prohibit the exhibitions of common showmen, circuses, menageries and shows of every kind, and all plays, exhibitions or entertainments for money.

IV. To regulate, license, tax or prohibit itinerant vendors, peddlers and transient auctioneers.

V. To prevent riots, noises, disturbances or disorderly assemblages.



VI. To abate and remove nuisances.

VII. To restrain and suppress houses of ill-fame and disorderly houses, and to punish common consorting therewith.

VIII. To compel the owner or occupant of any unwholesome, noisome or offensive house or place, to remove or cleanse the same from time to time, so far as may be necessary for the health or comfort of the inhabitants of said city.

IX. To direct the location and management of all slaughter houses, markets, steam mills, blacksmith shops, private sewers and all private drains, and to compel the construction of drains within the limits of the city, under such inspection regulations as the city council may adopt.

X. To regulate the manufacture and the keeping of gun powder, ashes and all other combustible and dangerous materials, and the manner of blasting.

XI. To regulate the construction, making, alterations and repairs of chimneys, stove pipes, furnaces, fire places and other things from which damage by fire may be apprehended, and also to regulate the use of buildings in crowded localities for hazardous purposes; to provide for the preservation of buildings from fires by precautionary measures and inspections.

XII. To establish and regulate a fire department and fire alarm system, and fire companies, except as herein otherwise provided.

XIII. To regulate the size, height, material and manner of the erection and construction of new buildings, and the repairing of buildings already constructed in said city, or in certain prescribed localities therein; and to regulate the use of streets for building purposes.

XIV. To prescribe the duties and powers of inspectors of buildings and fire marshal; and to provide penalties for any refusal or neglect to comply with the orders of said inspectors and fire marshal made by virtue of any resolution or ordinance passed by said city council.

XV. To prevent immoderate riding or driving in the streets, and cruelty to animals.

XVI. To prevent encumbering the streets, sidewalks and public alleys with fire wood, lumber, carriages, boxes or other things.

XVII. To restrain and punish vagrants.

XVIII. To make regulations respecting paupers.

XIX. To restrain or regulate the running at large of cattle, horses, swine, sheep, goats and dogs. And in addition to the tax now imposed by the laws of this state upon the owner or keeper of dogs to impose upon or require of the owner or keeper of any dog or dogs, such additional tax or license fee for the keeping thereof, and prescribe such penalties in default thereof, as may be deemed necessary. And all moneys received hereunder shall be paid into the city treasury and belong to said city.

XX. To regulate and determine the time or place of bathing in any of the public waters within said city, or adjacent thereto, and to prevent the same.

XXI. To compel all persons to remove from the sidewalks and gutters in front of the premises owned or occupied by them, all snow, ice, dirt and garbage and to keep said owners' sidewalks and gutters clean, and to compel the owners or occupants of any land or premises in the city to cut and remove from the streets and sidewalks in front of such land or premises, all grass, brush, thistles and weeds growing or being thereon, under such regulations as may be prescribed therefor, except as herein otherwise provided.

XXII. To license inn keepers, victualling houses, billiard saloons, billiard tables, bowling alleys, places of amusement, pawn brokers and auctioneers, or to tax the same for the purpose of revenue, under such regulations as shall be prescribed therefor; and all moneys paid for such licenses or taxes shall belong to said city, and be paid into the city treasury.

XXIII. To regulate or prohibit the use of rockets, squibs, fire crackers, or other fireworks on the streets or commons, and to prevent all practices therein having a tendency to injure or annoy persons passing therein, or to endanger the security of property.

XXIV. To regulate gauging; the place and manner of selling and weighing hay; packing, inspecting and branding beef, pork and produce; and of selling, measuring and weighing wood, lime and coal; and to appoint suitable persons to superintend and conduct the same.

XXV. To license porters, cartmen and the owners or drivers of hackney coaches, cabs or carriages, and to regulate their fees and prescribe their duties; and to rescind any license granted hereunder.

XXVI. To provide for the care, preservation and improvement of public grounds, and to prescribe rules for the placing of poles, wires and electrical conduits in, over and under the streets of the city and to regulate the use of same.

XXVII. To prohibit and punish willful injuries to shade, ornamental and fruit trees standing on public or private lands within the city.

XXVIII. To prevent and punish trespasses or willful injuries to or upon public buildings, squares, commons, cemeteries, fountains, statues or other property.

XXIX. To regulate the time and manner in which examinations of public documents, land records and other records shall be made.

XXX. To permit, regulate or prohibit the suspending or putting up of any sign or awning in or over any street, lane, alley, common or other public place in said city; and whenever



the public good may require, to order and direct that any such sign or awning heretofore erected or suspended as aforesaid shall be changed, taken down or removed.

XXXI. To provide for indexing any part or all of the records of deeds and of any or all public records of said city of Rutland, and like records of the former town of Rutland, by the "card index" so called, or any other like system. Such "card index" or other like system may be employed in addition to or in lieu of the manner of indexing now required by the laws of this state.

XXXII. To provide a supply of water for the protection of the city against fire and for other purposes; to establish and maintain reservoirs, aqueducts, water pipes or other apparatus necessary for such purpose, upon and through the lands of individuals and corporations within and without the city, on making compensation therefor. But no money other than funds received on account of the water works shall be appropriated without a vote to that effect by the legal voters of the city.

XXXIII. To enact and enforce rules for its government and for the government of the board of aldermen.

SEC. 47. The city council may make, alter, amend or repeal any resolutions, by-laws, regulations, and ordinances which it may deem necessary and proper for carrying into effect any of the powers conferred upon said city council by this act or for the well being of said city, and which shall not be inconsistent with this act or with the constitution or laws of the United States or of this state; and to provide penalties for the breach thereof; all of which by-laws, regulations and ordinances shall be duly published in one or more newspapers in said city, to be prescribed by the city council, at least twenty days before they shall take effect.

SEC. 48. If no penalty shall be fixed in any ordinance, regulation or by-law under which a person shall have been convicted, the court before which such conviction is had shall sentence such person to be confined at hard labor not to exceed ninety days, or to pay a fine not exceeding \$50 and also to pay costs of prosecution in all cases; such court shall also fix an alternative sentence to be imposed in case said fine and costs or either of them shall not be paid, which alternative sentence shall not be for longer period than ninety days.

SEC. 49. In all cases mentioned in the preceding section in which a term of imprisonment is fixed by the court either upon a direct or alternative sentence, the respondent shall be sentenced to be committed to the house of correction or Vermont industrial school in the same manner as upon convictions for violations of any state law.

SEC. 50. In any prosecution for a nuisance arising under this charter or under any lawful ordinance, regulation or by-

law and resulting in a conviction, the court before which said conviction shall be had shall order the nuisance complained of to be removed or abated, and shall determine the expense of removing or abating the same and tax such expense as part of the costs of prosecution.

SEC. 51. The city council may provide penalties for the violation of any ordinance, regulation or by-law which it shall adopt; but such penalties shall not be greater than those prescribed in the three preceding sections and may be enforced in the same manner.

SEC. 52. A person violating any ordinance, regulation or by-law of said city, shall be liable in damages to said city or to the person who shall sustain damage as the direct result of said violation; such damages may be recovered in an action declaring upon such ordinance, regulation, or by-law.

#### CITY PROPERTY, HOW SOLD OR LEASED.

SEC. 53. The city council may authorize the sale or lease of any real or personal estate belonging to said city, and all conveyances, grants or leases of any such real estate shall be signed by the mayor and be sealed with the city seal.

#### SEQUESTRATION OF LANDS.

SEC. 54. In establishing or enlarging public burial grounds within said city, the city council shall have the same power as is conferred by the general laws of the state upon selectmen, and shall proceed in the same manner, subject to the same right of appeal from its decision.

SEC. 55. In taking lands for the purposes of establishing, maintaining and extending reservoirs, aqueducts, water pipes, hydrants or any other apparatus necessary for such purposes, the city council shall proceed in the same manner in which selectmen of towns are authorized to proceed in the taking of lands for highways, and in performing all acts and doing all business in taking such lands the mayor shall vote as other members thereof.

Any person owning or interested in such lands who is dissatisfied with the decision of the city council taking such lands or in awarding him damages therefor, may have the same right of appeal to the county court and the same proceedings in respect thereto which shall be conducted in the same manner and have the same effect, as if such lands were taken by selectmen in any town in this state for the purpose of laying out, altering or resurveying a highway in said town; but if such proceedings are instituted only in respect to the appraisal of damages for lands so taken by the city council, such proceedings shall not



prevent said city from establishing and maintaining reservoirs, aqueducts, water pipes, hydrants and other apparatus necessary for such purposes upon the lands so taken, as if no such proceedings had been instituted.

SEC. 56. In giving notice to all persons owning or interested in any lands to be taken for such purposes, the city council shall issue its citation, signed by the mayor or its clerk; said citation shall be served in the same manner, and the several officers shall perform the same duties in respect thereto, as provided in this act for citations issued by the board of highway commissioners.

#### CITY INDEBTEDNESS.

SEC. 57. The credit of the city, other than by temporary loans not exceeding one hundred cents upon the dollar of the grand list of said city at the time, shall not be pledged by the city council nor by any officer of said city unless by vote of the legal voters of said city at a meeting thereof duly called for that purpose.

SEC. 58. Whenever the legal voters of said city shall give authority to the city council thereof to pledge the credit of the city for any purpose, said city shall have power and authority to issue its negotiable orders, warrants, notes or bonds with interest coupons attached or in register form to the amount, not to exceed the limit prescribed by law, for which the legal voters aforesaid shall have given authority to so pledge the credit of said city, such notes or bonds to be payable at such time and at such rate of interest as shall be established by said voters; or if no time and rate of interest are fixed thereby, the same shall be established by resolution of said city council.

SEC. 59. Bonds, orders, notes or warrants issued under the preceding section shall be signed by the mayor and the treasurer of said city and countersigned by the city clerk and if interest coupons are attached thereto they shall be signed by the treasurer; and such bonds, orders, notes or warrants shall contain a statement that they are issued in conformity to the provisions of this act and shall specify the purpose for which they are issued; such statements shall have the same effect as provided in the case of bonds or notes issued to refund outstanding bonds or notes.

#### PUBLIC FRANCHISES.

SEC. 60. The city council shall have power to fix, impose and enforce such terms, conditions and regulations for the use or occupation of any street or highway in said city by any street railroad, traction, telegraph, telephone, electric, gas,

electric lighting, electric power, or other company or person enjoying the privileges or exercising the functions of any such company aforesaid, as shall be just and reasonable, including the use of any street or highway by any or all of said companies for the purpose of laying, maintaining and operating any street railway therein, or for the purpose of therein erecting and maintaining any poles, wires or any other apparatus in or under the surface of said street; and shall have power to grant the use of such street, upon such terms as may be just and reasonable, including any sum or sums of money to be paid therefor; and to prohibit the use of such street by any such company or person until such terms have been complied with; but this act shall not be construed to repeal or take away any of the rights, privileges and franchises now being exercised by the corporations now conducting business in said city, or to repeal any rights previously granted by the city of Rutland, the general laws of this state or any special acts of the legislature.

In case any such company or person cannot agree with said city upon such terms, said company or person may apply by petition to the county court within and for the county of Rutland, and said court shall thereupon, after hearing all parties interested therein, fix such terms as shall be just and reasonable and make all necessary orders for carrying its decisions therein into effect. Provided, however, that no special franchise shall be granted by said city council for a longer period than thirty-five years, and no special franchise shall take effect until it has been submitted to the legal voters of the city at a regular or special city election and has received a majority of the votes cast thereat upon such questions.

#### SELECTION OF JURORS.

SEC. 61. At a meeting of the board of civil authority in the month of February in each year, such number of grand and petit jurors shall be chosen to attend the Rutland County court for the year ensuing as said board shall judge will be the proportion of said city, to be drawn as provided by law in the case of towns.

SEC. 62. The city clerk shall, within five days thereafter, return by mail to the clerk of said county court a certificate containing the full names of the persons so chosen and the postoffice address of each.

#### TITLE IV.

##### TAXATION, GRAND LIST.

SEC. 63. The grand list in said city, when completed, shall contain the following:



- I. The name of said taxable person.
- II. The ward in which he resides, if a resident in said city.
- III. The number and name of the street of his residence.
- IV. The amount at which such person's poll is set in the list.
- V. A description of all real estate owned by such person; but such real estate shall not be classified as provided in section 525 of Public Statutes of Vermont.

VI. The total value of all such real estate not exempt from taxation.

VII. The value of such person's personal estate taxable in said city, after making all deductions for debts owing and other exemptions allowed by law.

VIII. The sum obtained by adding the poll, if any, to one per cent of the value of such person's real and personal estate.

SEC. 64. The books provided for such grand list shall, in addition to the columns necessary to contain the particulars mentioned in the preceding section, contain, also, two other columns which shall be designated in said book by the word "abstract" at the head thereof. One of said columns marked "abstract" shall precede the column in which the value of each separate piece or parcel of real estate not exempt from taxation shall appear in said grand list; and the second of said columns so designated shall precede the column in which the valuation of all taxable personal estate shall appear in said grand list.

SEC. 65. The assessors shall arrange in alphabetical order in a book or books to be used for such grand list and containing the two columns marked "abstract" as hereinbefore provided, the names of all taxpayers of said city; the number of the ward in which each of said taxpayers, if an inhabitant, resides; the street and number of his residence; the amount at which the poll of any such person shall be set in the grand list; a description and the appraisal of each separate piece or parcel of real estate not exempt, and the amount of each person's estate taxable in said city, and the sum obtained by adding the poll, if any, to one per cent of the value of such person's real and personal estate. The appraisals of the real and personal estate last above named shall first be set in the columns marked "abstract."

SEC. 66. Said book so made up shall also contain a certificate signed, verified, and authenticated by said assessors, that they have set down in said book, according to their best information and belief, all the taxable polls in said city; all

the real estate situate therein not exempt from taxation, and that they have appraised all additions thereto and made all deductions therefrom required by law; and that they have set down therein the amount of taxable personal estate of each person named therein.

#### ABSTRACT OF GRAND LIST.

SEC. 67. Said book so made up shall be known and designated as an abstract of the individual lists of all taxpayers of said city; and shall contain a notice that such abstract will be made the grand list of said city and of each person therein named, unless cause to the contrary is shown to said assessors on or before the 26th day of May in said year, and that said assessors will meet in their office in said city from day to day from the 21st day of May till the 26th day of the same May, to hear all grievances and make corrections in said abstract and that no hearing will be had before them later than said 26th day of May.

SEC. 68. Said abstracts so made up and containing said certificate of notice shall be completed on or before the 20th day of May in each year, and shall be lodged in the office of said assessors and be open to the inspection of all taxpayers in said city.

SEC. 69. Notice signed by said assessors shall be posted in at least five public places in said city stating that said abstract shall be open for such inspection in said assessor's office from the 21st to the 26th day of May, and that during such time said assessors will hear all persons aggrieved who desire to be heard by them, and make all necessary changes in said abstract.

#### HEARING OF GRIEVANCES AND APPEALS.

SEC. 70. Any person who feels aggrieved by the action of said assessors and desires to be heard by them, shall appear before them within the time hereinbefore prescribed for said hearing.

SEC. 71. A person aggrieved by the decision of the assessors may appeal to the board of civil authority on or before the first day of June in the same year by filing with the clerk of said city a statement of his grievance; such person shall also notify said assessors in writing of his appeal.

SEC. 72. Said board of civil authority shall hear and determine such appeal and may order the list to be made in accordance with its decision. No hearing before said board shall be had later than the fifth day of June. Such hearing and appeal shall be conducted in the same manner and be subject to the same regulations, restrictions and conditions provided



in the general laws of this state for such proceedings, except as to the time of said hearing.

SEC. 73. No alteration shall be made by the assessors or board of civil authority in the figures opposite each taxpayer's name in the columns marked "Abstract" except by inserting in the proper columns the valuations finally determined upon.

SEC. 74. As soon as practicable after the 26th day of May the assessors shall carry out the proper amounts in the columns provided for said grand list and complete the list of all taxpayers who have not appeared before said board to be heard upon any grievance as hereinbefore provided; and shall also, as soon as practicable after the first day of June, so carry out and complete all lists of persons who have been heard on any grievance by said assessors or board of civil authority; they shall make all computations and footings as soon as practicable and make oath to said list so completed as provided in the general law of this state, and file the same in the city clerk's office on or before the twentieth day of June; and said list so completed shall be the grand list of said city for the purpose of raising all taxes thereon prior to the twentieth day of June in the year next ensuing.

SEC. 75. In making returns of the abstract of said grand list to the secretary of state, the city clerk shall not be required to make a statement of the amount of real estate of the first and second classes as now defined by statute; and no further abstract of the individual list of taxpayers in said city than that hereinbefore provided for shall be required.

SEC. 76. Said board of civil authority shall transmit to said board of assessors, a certified copy of its proceedings in such appeals, and said copy shall be recorded at length in the book containing said grand list and the valuations and lists shall be made in compliance with such copy of proceedings.

#### ASSESSMENT OF TAXES.

SEC. 77. The city council shall annually assess on the grand list of said city a tax sufficient to pay all state, county and other taxes herein mentioned and for such other purposes as are herein provided.

SEC. 78. The city council may, in addition to the taxes required by the laws of this state to be raised upon the grand list of said city, annually assess upon such grand list a tax for city purposes, which shall not exceed one hundred and fifty cents upon the dollar thereof; and may assess a larger sum for such purposes when authorized so to do by legal voters of said city in a meeting duly warned for that purpose; but the tax last above provided for shall not include the tax annually assessed upon such grand list for the support of schools in said city.

SEC. 79. As long as the city owes a bonded debt, said city council shall also annually assess upon the grand list of said

city a tax, the proceeds of which shall be applied for the redemption of such bonded debt.

SEC. 80. The city council shall annually assess a tax sufficient to meet the appropriation made for the use of schools; but such sum shall not exceed the amount which would be raised by a tax of 50 cents upon the dollar of the grand list of said city, except when a larger sum shall be authorized by the legal voters thereof.

#### COLLECTION OF TAXES.

SEC. 81. All taxes assessed upon the grand list of said city shall be paid in money.

SEC. 82. Whenever any tax shall be assessed by the city council, the city council shall make out and deliver to the city treasurer the tax bills therefor and annex proper warrants thereto for collection by him, signed by the mayor, and city clerk. The provision of section 3468 of the Public Statutes of this state, excepting as herein otherwise provided, shall apply as to said tax bills and warrants.

SEC. 83. The city treasurer shall forthwith give notice thereof, of publication in all the daily and weekly newspapers published in said city, for a period of eight days immediately succeeding the time when such tax bill shall have been delivered to him. In such notice the time shall be designated when, according to this act, all unpaid taxes on such tax bill will be placed in the hands of the constable for collection as hereinafter mentioned.

SEC. 84. If at the expiration of 40 days from the time said tax bill shall have been delivered to said treasurer, any person against whom a tax has been so assessed shall be delinquent in the payment thereof, the tax due from him on such bill shall thereafter be deemed to be the amount of the original tax assessed against him, increased by five per cent thereof and 10 cents for the insertion of his name in the warrant hereafter mentioned.

SEC. 85. The treasurer shall thereupon issue his warrant against such delinquent persons for the collection from them of the amount so due and determined, which warrant shall be returnable to such city treasurer and shall be addressed and delivered to the constable of said city.

SEC. 86. It shall be the duty of such constable to collect all legal taxes contained in such tax bill, the amount thereof being determined as hereinbefore provided, and pay the same to the city treasurer, subject to such abatement as may be made by the board for the abatement of taxes, at the end of every two months and also when demanded in writing by the treasurer or city council.

SEC. 87. Such warrant shall remain in full force until all the taxes thereon are either collected, abated or become outlawed.



SEC. 88. Such constable shall proceed in the same manner, perform the same duties, be subject to the same liabilities, have the same power, authority and privileges touching the collection of said taxes determined as aforesaid as prescribed by the general laws of this state in regard to the collection of taxes by constables or collectors in towns.

SEC. 89. Said constable shall be entitled to the same fees for the collection of such taxes so determined, and for the service of such warrant on the respective delinquent taxpayers, as are allowed by the laws of this state to collectors of taxes in towns. Such fees shall be collected of such delinquent taxpayers by said constable, and shall be the only compensation allowed him for the collection of said taxes so determined, the payment thereof to the city treasurer and the service of said warrant.

#### TITLE V.

#### OFFICERS.

##### MAYOR.

SEC. 90. The mayor shall be the chief executive officer of said city. He shall use his best efforts to see that the laws and city ordinances are enforced and that the duties of all subordinate officers are faithfully performed. He shall take care that the funds of the city are properly expended, and shall recommend to the consideration of the board of aldermen whatever measure he may deem necessary for the prudent and efficient management of the affairs of the city.

SEC. 91. In case of the absence of the mayor from the city or his inability to serve, the president of the board of aldermen shall act as mayor. It shall be the duty of the mayor to give the city clerk due notice of the absence of the mayor from the city and of his return, and said city clerk shall duly notify the president of the board of alderman. In case of the absence from the city or inability to serve of the president of the board of aldermen, the board of aldermen shall designate one of their number to act as mayor.

SEC. 92. The mayor shall have power to administer oaths in all cases proper for the administration of an oath before the city council, and official oaths to the several officers of said city when such oaths are required by law; and the presiding officer of the board of aldermen shall have like power, in all cases proper for the administration of an oath before the board of aldermen.

SEC. 93. The mayor, with the consent of the board of aldermen, shall have power to remit fines and costs, in whole or in part, in cases where the same are payable into the city treasury, and shall cause the reason for such remission to be entered on the city records.

SEC. 94. It shall be the duty of each board, commis-

sioner or other officer who is authorized to expend any money or incur any indebtedness which shall be chargeable to said city, to prepare and submit to the mayor on or before the twenty-fifth day of March in each year, estimates of the whole expense of maintaining each department under the charge of any such officer or board for the year ensuing from the first day of the following May. Such estimates shall be separate for each department and shall specify in detail the objects of the expenditures, the sum desired for each, and any special reasons the officer or board may have for desiring the same.

SEC. 95. The mayor shall annually on or before the third Monday in April prepare an estimate of the necessary appropriations to cover the expenses of each department and branch of the city government, to be known as the budget, and shall submit such budget to the board of aldermen for their guidance and action in making the annual appropriations and the tax levy. The board of aldermen may reduce the items of such budget but shall not increase them.

SEC. 96. The board of aldermen shall make the annual appropriations for each department before the first day of May following the submission of the budget for their consideration. All votes or resolutions providing for the annual appropriations of any year shall cease to be operative on the first day of May following the adoption of such votes or resolutions.

##### CITY TREASURER.

SEC. 97. The city treasurer shall be the disbursing officer of the city. All bills legally contracted by any officer or board of said city and approved by the board of finance, shall be paid by warrant directed to said treasurer and drawn to the person to whom the city is indebted, except as herein otherwise provided. Such warrant shall show upon its face the indebtedness for which it is drawn and shall refer to the appropriation by the authority of which such indebtedness was incurred.

All vouchers for such warrants shall be kept on file in the office of the city clerk. No money shall be paid out of the city treasury except upon warrant signed by the mayor for bills approved by the board of finance, such approval to be authenticated by the city clerk, except that when any bills against said city have been approved by the board of finance, and the mayor neglects or refuses for ten days to sign the warrant, the same may be signed by a majority of the board of finance. But this provision shall not apply to expenditures of the school commissioners and orders drawn by courts in exercise of their criminal jurisdiction.

SEC. 98. A full record of expenditures shall be kept by said treasurer, which shall show at all times the amount of every warrant paid under the authority of each appropriation of the board of aldermen.



SEC. 99. A full record of expenditures shall be kept; and a clear statement of the affairs of the city generally, including all receipts and disbursements of city moneys and the name and amount of compensation for services from the city of every person receiving such compensation by way of salary or otherwise to the amount of three hundred dollars or more per year, shall be annually published under the direction of the mayor at least two weeks before the annual city election and any city officials responsible in whole or in part for a failure to substantially comply with the provisions of this section shall be ineligible to hold office under the authority of this charter for the year next ensuing after such failure so to comply with the provisions of this section.

SEC. 100. No board or officer of said city shall incur any indebtedness nor enter into any contract in behalf of said city requiring the payment of money, unless such indebtedness or such contract is provided for in the previous appropriations of the board of aldermen, except as herein otherwise provided.

SEC. 101. The city treasurer shall have the same powers and be subject to the same liabilities, as are prescribed by the laws of this state for town treasurers; shall perform all the duties relating to the issuing and paying of school bonds, and bonds to retire outstanding indebtedness, and such other duties as are herein specified.

The city treasurer shall keep a separate account of all the moneys appropriated for the use of schools which moneys shall consist of the income of the United States deposit fund, and of the city school fund, the income of any money or other property donated by any person to said city for the use of schools and all money appropriated by the city council for that purpose and the city treasurer shall pay out of any moneys mentioned in this section, all warrants drawn by the board of school commissioners for the use of schools.

SEC. 102. The city treasurer shall keep a record of every note or bond issued under the provisions of this act, therein stating the number and the denomination of each note or bond, when and where payable, to whom and for what purpose issued, and the rate of interest thereon; and shall also keep a record of payments thereon of principal and interest; and if coupons are taken up, shall cancel and preserve the same.

SEC. 103. The city treasurer shall keep a record of all school bonds, the issuance, payment and discharge thereof, as hereinbefore provided for other bonds issued by said city.

SEC. 104. When old notes or bonds are taken up, by exchange or by sale of the new notes or bonds, the treasurer shall keep a record of the same and such old notes or bonds shall be canceled and filed in his office.

SEC. 105. The fiscal year of all departments of the city government shall commence upon the first day of January and end on the thirty-first day of December in each year.

## THE CITY CONSTABLE.

SEC. 106. The city constable shall have the same powers, perform the same duties and be under the same liabilities, as are prescribed by the law of the state for constables of towns, and the said constable shall have the same powers as sheriffs in suppressing riots, and all unlawful assemblages, and of arresting without warrant all persons disturbing the peace, and shall forthwith bring them before the city court of said city or detain them in custody until such court can be held; and said court may proceed summarily to hear and determine all such cases, and said court shall have exclusive jurisdiction of all offenses when arrests are made by said city constable or by any police officer of said city, with or without warrant.

## DEPARTMENTS AND BOARDS ESTABLISHED.

SEC. 107. There shall be maintained in said city a department of public works, a department of public safety, a board of assessors, a board of health, a board of sinking fund commissioners and a board of school commissioners to be constituted as herein provided.

## OFFICERS TO BE APPOINTED.

SEC. 108. The mayor shall annually in the month of March appoint a city clerk, a city attorney, a purchasing agent, one sinking fund commissioner, a commissioner of public safety, a commissioner of public works, and one member of the board of health and an overseer of the poor. The mayor may appoint such subordinate officers as may be elected or appointed by towns or authorized by any lawful ordinance made under this charter, the appointment of which is not herein otherwise provided for.

SEC. 109. All appointments authorized to be made by the mayor under any of the provisions of this act, shall be submitted by him, in writing to the board of aldermen for confirmation, and the said board shall act upon the said appointments at or before their next regular meeting. The board of aldermen shall have power to reject such appointments by a three-fourths vote, and if they do not so reject said appointments they shall stand confirmed. If a person so appointed is rejected, the mayor shall appoint another person for such office and submit the same to the board of aldermen within one month and in case he fails to do so within said period the board of aldermen may proceed to make such appointment, which appointment shall be valid without the consent of the mayor.

SEC. 110. The mayor, members of the board of aldermen and the various ward officers shall, except as herein otherwise provided, hold office from the time they are elected and have



qualified for the terms for which they are respectively elected, and until their successors are elected and have qualified.

SEC. 111. All other elective offices, excepting school commissioners, shall, except as herein otherwise provided, hold office from the first day of April of the year of their election, for the term for which they are elected, and until their successors have been elected and have qualified. School commissioners shall, except as herein otherwise provided, hold office from the first day of July of the year of their election for the term for which they are elected, and until their successors have been elected and have qualified.

SEC. 112. All appointive officers and all other officers whose terms of office are not herein or by general law otherwise specified, shall, except as herein otherwise provided, hold their offices for the specified terms of their appointment from the first day of April of the year of their appointment, and until their successors are appointed and have qualified.

SEC. 113. In case of a vacancy in the office of mayor occasioned by death, resignation, removal from said city, permanent inability to serve, failure to elect or disqualification of the person chosen, the president of the board of aldermen shall act as mayor until the next annual meeting, and in case any of the causes above mentioned prevent the president of the board of aldermen from serving as mayor when it becomes necessary for him to do so, the board of aldermen shall designate one of their number to act as mayor until the next annual meeting and at such next annual meeting the legal voters of said city shall elect a mayor, from among their number, to fill such vacancy.

#### REMOVALS FROM OFFICE AND FILLING VACANCIES.

SEC. 114. The city council, except as herein otherwise provided, shall have the power by a majority vote at a public meeting on notice to said officer specifying the charges against him, to suspend or remove any appointive officer under the city government because of incapacity, misfeasance in office or bad conduct.

SEC. 115. In case of a vacancy for any cause in any office referred to in the preceding section, such vacancy shall be filled in the manner herein provided for appointment thereto, but only for the unexpired term in which such vacancy shall occur.

#### MAYOR AND ALDERMEN NOT TO HOLD OTHER CITY OFFICES.

SEC. 116. The mayor and aldermen shall not hold any other city office while serving as mayor or alderman, except as herein otherwise provided.

#### COMPENSATION TO CITY OFFICERS.

SEC. 117. The mayor shall receive such annual compensation as shall be voted him by the board of aldermen. The city council shall fix the compensation of all other city officers, except as herein otherwise provided. The aldermen, school commissioners, and the three members of the board of health appointed by the mayor as herein provided shall receive no compensation for their services.

#### CONTRACT BETWEEN CITY AND OFFICERS.

SEC. 118. No city officer shall be directly or indirectly interested in any contract with said city for an amount in excess of \$25 or furnish any material, or perform any labor, except in the discharge of his official duties, for which said city officer shall receive a sum in excess of \$25 unless such contract shall have been awarded upon bids advertised for by publication in two issues of at least two newspapers printed in said city at least six days previous to the opening of such bids.

#### BONDS OF CITY OFFICERS.

SEC. 119. The treasurer and all other city officers who receive or disburse any of the funds of the city shall annually, before entering upon the duties of their office, give bonds to the city in amount satisfactory to the city council for the faithful discharge of their respective duties; and any other officer may be required by the city council to give similar bonds.

The mayor and aldermen shall each give a bond with sufficient surety in the penal sum of \$1000 to be approved by the county clerk of the county of Rutland and with condition for the faithful performance of the duties of their respective offices.

SEC. 120. All city officers from whom bonds are required shall furnish bonds of a surety company satisfactory to the board of aldermen. The city treasurer shall pay one-half the cost of such bonds from the money appropriated for incidental expenses and the officers shall pay the other half of the cost of their respective bonds.

SEC. 121. In case of the neglect of any officer to give bonds as above specified after ten days' notice from the board of aldermen that he is required so to do, his office shall thereupon become vacant and the vacancy shall be filled as hereinbefore provided.

#### OATHS OF OFFICERS.

SEC. 122. All officers of the city shall, before assuming office, take, subscribe and file with the clerk the following oath: "I solemnly swear that I will faithfully execute the office,



(duty or trust) of ..... of the city of Rutland to the best of my judgment and abilities, according to law, so help me God."

#### OFFICERS AND THEIR DUTIES.

SEC. 123. The city clerk shall perform for said city the same duties devolving by the law of this state upon town clerks, except in so far as the same are changed or modified by the provisions of this act, and shall receive the same fees therefor; he shall be ex-officio clerk of the city council, board of aldermen, board of civil authority, board of assessors, board for the abatement of taxes, board of finance and board of public health. He shall have exclusive charge and custody of the public records of said city and of all records, papers and documents belonging to the town of Rutland at the time the city of Rutland was organized.

SEC. 124. Such records shall not be taken out of or away from said city clerk's office except upon the order or process of a court of competent jurisdiction, but said city council may by ordinance or by-law regulate the removal from said office of all papers and documents belonging to said city and in the custody of said city clerk as aforesaid.

SEC. 125. Said clerk shall, on being tendered therefor the fees allowed town clerks under the law of this state for similar services make duly certified copies of said records, papers and documents, and such copies so certified shall be legal evidence of the same validity and effect as those of town clerks, in all courts and for all purposes.

SEC. 126. Whenever any notice signed by the mayor, city council, board of aldermen, or any city officer or officers, or any advertisement, ordinance, resolution or by-law shall have been published in some newspaper or publicly posted under the provisions of the general law, this charter or the ordinances thereby authorized, the city clerk shall examine and ascertain whether such notice, advertisement or ordinance has been duly published or posted, and if such be the fact he shall so certify upon the proper city record; and such record or a duly certified copy thereof shall be treated as prima facie evidence of the facts so certified.

#### CITY ATTORNEY.

SEC. 127. The city attorney shall be corporation counsel and shall prosecute and defend in behalf of said city all suits in which said city is interested; and may prosecute all violations of the city ordinances and by-laws. Said city attorney is also authorized to file informations and complaints in criminal causes in the city court, or before any justice of the peace in said city, and prosecute the same to final judgment.

SEC. 128. The city attorney shall be subject to all and the same penalties imposed by the law of this state upon state's attorneys for any neglect or violation of official duty.

#### GRAND JUROR.

SEC. 129. The city grand juror shall have the same powers, perform the same duties and incur the same liabilities, as grand juror in towns, the city grand juror may also prosecute before the city court violations of the ordinances, regulations and by-laws of said city.

#### BOARD OF ASSESSORS.

SEC. 130. The assessors shall consist of three members and shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subjected to the same liabilities as are prescribed for listers, except as herein otherwise provided. They shall also be members of the board for the abatement of taxes. Any vacancy occurring in said board of assessors may be filled by the mayor for the unexpired term of the member creating such vacancy in the manner herein provided for the appointment of officers appointed by him.

#### OVERSEER OF POOR.

SEC. 131. The overseer of the poor shall, except as otherwise herein provided, have the same powers, and perform the same duties as are provided for overseer of the poor in towns, excepting that he shall not have power to draw orders on the city treasurer, but all money necessary for the proper prosecution of his work shall be furnished him in pursuance to an appropriation of the board of aldermen, by warrant drawn on the city treasurer, in the same manner as other warrants drawn on that officer.

#### TITLE VI.

#### EXECUTIVE DEPARTMENT.

#### FINANCE DEPARTMENT.

SEC. 132. The mayor shall, ex-officio, be chairman of, and together with the president of the board of aldermen and city treasurer, shall constitute a board of finance.

SEC. 133. They shall establish, and each department shall adopt, such system of accounting and auditing for each department of the city government, as will give uniform and reliable methods for transacting the business of the city. The board of finance shall provide for regular monthly reports to be



made by each department to the board of finance and to the board of aldermen.

SEC. 134. The board of finance shall annually in the month of December procure from chartered banks of known reliability and sufficient capital their offer to act as depository for the city moneys and the terms upon which they will receive such moneys. They shall, by vote appoint such bank or banks as depository as shall appear to be for the best interest of the city.

SEC. 135. The board of finance shall also have the care and control of all public buildings not specifically in charge of any other departments of the city. They shall appoint such janitors or employ such persons as may be required for the proper care of the buildings, and may prescribe their salaries and define their duties.

SEC. 136. The board of finance may cause such repairs or enlargements to be made to said buildings provided however, that when the estimated cost of any such repairs or enlargements exceed \$100 they shall make report thereon to the board of aldermen for their approval before any expenditure shall be made for such purpose.

SEC. 137. The board of finance shall cause full and accurate records of all meetings thereof and all business transacted by said board to be kept by the clerk of said board. The records and books of said board shall be always open to the inspection of any member of the board of aldermen.

#### AUDITORS.

SEC. 138. The city council shall annually appoint a board of three auditors, who shall hold office for the term of one year each, and until their successors have been appointed and have qualified. The same auditors shall annually, at the close of each financial year, and at the expiration of the term of office of any of the officers, department or board, hereinafter named, and at any other time when required by the city council, audit the accounts of the city treasurer, department of public safety, department of public works, board of school commissioners, city attorney, overseer of the poor, and any other accounts which the city council shall submit to them for audit, and shall report thereon to the city council; and for the purpose of auditing such accounts, they shall have access to all books and vouchers in possession of any officer, board or department of the city.

The said officers shall not only compare said accounts with the vouchers thereof, but shall ascertain whether all moneys due the city have been collected and accounted for; they shall also examine all notes and securities belonging to the city, and shall verify the outstanding obligations and make report thereon to the city council. The board of aldermen shall provide a competent professional auditor to assist said auditors

in the annual auditing of the books of each said boards, departments, and officials.

#### SINKING FUNDS AND SINKING FUND COMMISSIONERS.

SEC. 139. The board of sinking fund commissioners shall consist of three members. When first appointed they shall be appointed for terms of one, two and three years, respectively, from the first day of April, next, succeeding their appointment; and thereafter annually in the month of March, one member shall be appointed for the term of three years to succeed the member whose term expires in that year.

The said board shall have the control and management of all sinking funds established for the redemption of any bonds, notes, or funded orders heretofore issued by the village of Rutland or by the city of Rutland, or by the town of Rutland prior to March 7, 1893, and for which said city may be liable, or which may be hereafter issued by the city of Rutland, and shall promptly invest all moneys received by it from any source in bonds, notes or orders of the city of Rutland, which said fund is created to pay, or in other safe and productive securities; and all notes, orders and other bonds which shall be purchased by said board shall be endorsed or made payable to said board in such manner as to prevent the sale, negotiation or payment thereof, except by order of said board.

No moneys received by said board shall be invested in any bonds, notes, orders or other obligations of the city of Rutland, except such as said sinking fund is created to pay.

SEC. 140. Said board shall keep a full record of all its meetings and proceedings, and shall make a report in writing to the city council during the month of January in each year, showing the changes, if any, in the several sinking funds, and the condition and manner of investment of each of said funds. The records and books of said board shall be always open to the inspection of any member of the board of finance or of the board of aldermen.

SEC. 141. No investment, or change of investment of securities held, shall be made except by vote of a majority of the board, and the members of the board shall, by their signatures upon the record book of said board express their approval or disapproval of such vote.

SEC. 142. Said board shall have all the powers and perform all the duties devolving by law upon the board of trustees of public funds of towns. The members of said board shall hold no other position under the city government.

#### DEPARTMENT OF PUBLIC SAFETY.

SEC. 143. It shall be the duty of the commissioner of public safety to take all proper measures to conserve the public



peace and safety of the city and the people and property therein and to see to the enforcement of all laws, ordinances and regulations affecting the same. He shall have the management and control of the police department and of the fire department of said city, and all the powers and duties connected with and incident to the government and discipline of said departments shall be vested in and exercised by him.

SEC. 144. Said commissioner of public safety shall be provided with suitable office room in the city hall by the city council. He shall keep a detailed account of all expenditures which shall show at all times the amount of every indebtedness incurred by him, under the authority of each appropriation for the use of said department.

#### POLICE DEPARTMENT.

SEC. 145. The mayor shall appoint a chief of police for one year; and such regular police officers from among the legal voters of the city, as in his judgment may be required, who shall hold their positions during good behavior and so long as they shall render efficient service, unless sooner removed as herein-after provided.

SEC. 146. The mayor shall also have the full power to appoint such special police officers as in his judgment may be required, for a term not exceeding one year, and may remove any of such officers at any time. Whenever it may seem proper to him, he may appoint, for term not exceeding one year, any number of special police officers to do duty within the city, upon the application of any person or persons showing the necessity therefor, but at the expense of such person or persons; the special police officers appointed may be removed by the mayor at any time.

SEC. 147. The chief of police, all regular police officers and such special officers as may be appointed by the mayor for the purpose shall have authority to serve, anywhere within the state, and return process in criminal causes, and for such duties there shall be taken and allowed the fees provided by law to a sheriff for similar services.

SEC. 148. The chief of police and all police officers shall have the same powers as sheriffs in suppressing riots and all unlawful assemblages, and shall also have the power, in addition to the powers, duties and authority possessed by them at common law and the laws of this state in matters of criminal nature, to arrest without warrant all persons engaged in the presence of the arresting officer in the violation of any law or ordinance or the commission of any crime, and shall bring them before the city court forthwith, or detain them in the county or city jail until said court can be held; and said court may proceed summarily to hear and determine all such cases; and said court shall have exclusive jurisdiction of all offenses when arrests are made by any police officer of said city without warrant.

SEC. 149. The compensation of all police officers, including that of the chief of police, shall be fixed by the city council and all fees accruing to them under the laws of the state or the provisions of this act shall belong to said city and shall be paid into the city treasury by the court taxing the same.

SEC. 150. The commissioner of public safety shall have power and it shall be his duty with the approval of the mayor to make all such rules and regulations for the government of said police department as he may deem best calculated to secure thoroughness and efficiency. He shall with the approval of the mayor, establish proper regulations for the care and management of all police stations, for the accommodation of the police force, for the lodging of vagrants and disorderly persons; and for the temporary detention of persons arrested for offenses. He may, with the approval of the mayor, prescribe reasonable and legal fines and penalties, which may take the form of suspension from duty without pay, for the breach of any rules and regulations established by him on the part of any appointees in said police department, and enforce the same. He shall, in conjunction with the mayor, have power to remove such appointees.

#### TO BE NON-PARTISAN.

SEC. 151. No person, while chief of police, and no other member of the regular police force of the city of Rutland, shall act as executive committeeman, attend any political convention as a delegate, participate in any manner whatever in any canvass in behalf of or against any candidate for any city, county, state or national office, hold tickets or canvass votes at any election, or take any part whatever in political matters other than to exercise a right of suffrage; and no person shall be appointed to or retained in the department as a reward for political service rendered, nor in any manner be discriminated against because of his failure to render such service.

#### FIRE DEPARTMENT.

SEC. 152. There shall be maintained at all times in said city an efficient and properly equipped fire department for the protection of the lives and property of its citizens from damage by fire. The mayor shall appoint a chief engineer of said fire department and such assistant engineers as in his judgment may be required, and as many permanent firemen, who shall devote all their time to the service of the department as in his judgment may be required, all of whom shall hold their positions during good behavior and so long as they shall render efficient service, unless sooner removed as hereinafter provided.

SEC. 153. Said mayor shall appoint a superintendent of fire alarm telegraph, such call firemen and such other members of said department as in his judgment may be required.



The commissioner of public safety may employ temporarily any men who may be needed because of any emergency, the payment of whom shall be provided for by the board of aldermen upon recommendation of the mayor.

SEC. 154. Said commissioner shall have entire charge of all fire stations, fire apparatus, fire alarm telegraph and all other property of whatever nature connected with the management of the fire department, which it shall be the duty of said board to maintain and keep in good order.

SEC. 155. Said commissioner shall have power, and it shall be his duty, with the approval of the mayor, to make all such rules and regulations for the government of said fire department and the officers and men thereof as he may deem best calculated to secure thoroughness and efficiency. He shall, with the approval of the mayor, establish proper regulations for the care and management of all fire stations, fire apparatus and all other property under his charge. He may prescribe, with the approval of the mayor, reasonable and legal fines and penalties, which may take the form of suspension from duty without pay, for the breach of any of the rules and regulations established by him on the part of any of the appointees in said fire department, and enforce the same. He shall, in conjunction with the mayor, have power to remove such appointees.

SEC. 156. The compensation of all appointees of said mayor in the fire department shall be fixed by the city council.

#### TO BE NON-PARTISAN.

SEC. 157. No person, while an officer or other member of the fire department of the city of Rutland, shall act as executive committeeman, attend any political convention as a delegate, participate in any manner whatever in any canvass in behalf of or against any candidate for any city, county, state or national office, hold tickets or canvass votes at any election, or take any part whatever in political matters other than to exercise a right of suffrage; and no person shall be appointed to or retained in the department as a reward for political service rendered, nor in any manner be discriminated against because of his failure to render such service.

#### FIRE MARSHAL.

SEC. 158. The chief engineer of the fire department shall act, also, as fire marshal, and in that capacity it shall be his duty to inspect the buildings of said city as required by the commissioner of public safety and as required by the ordinances of said city, with the view of ascertaining and causing to be remedied all unnecessary hazard from fires. He shall, also, be appointed a special police officer and shall see that all ordinances

of said city relating to the prevention of unnecessary hazard from fires shall be observed; and he shall perform such other services as may be required of him by said commissioner of public safety and by the ordinances of said city.

#### DESTRUCTION OF BUILDINGS IN CASE OF FIRE.

SEC. 159. Whenever any building in the city shall be on fire it shall be lawful for the chief engineer of the fire department or any member of said department in charge of such fire, with the consent of the commissioner of public safety, to order such building or any parts thereof, or any other building or any part thereof, not on fire, but which they may deem hazardous and likely to communicate fire to other buildings, to be pulled down and destroyed. In such case no action shall be maintained against any person or the city therefor. If any person pecuniarily interested in any such building destroyed shall consider that he has a claim against the city for the destruction of such building, he shall, within three months of such destruction, apply to the city council to assess and pay his damages, in accordance with such regulations as the ordinances of said city may prescribe and require.

#### DEPARTMENT OF PUBLIC WORKS.

SEC. 160. The commissioner of public works shall be provided with suitable office room in the city hall by the city council. A detailed account of all expenditures shall be kept by him, which shall show at all times the amount of every indebtedness incurred by him under the authority of each appropriation for the use of said department.

SEC. 161. The mayor shall appoint a competent civil engineer as city engineer, who shall make all public surveys of the public streets, water works, sewers and grounds of said city and all plans and specifications for the construction, improvement and repair thereof, and shall keep proper records of all matters relating to his office. It shall be the duty of such engineer to perform such additional duties as may be required of him by said commissioner of public works and act as consulting engineer for all other boards and officers created or authorized by this act, for which he shall receive no compensation other than his salary as city engineer, which shall be fixed by the city council.

The mayor shall appoint a superintendent of streets and a superintendent of water works. The commissioner of public works shall have power to employ such foremen, agents, employees and laborers as he may deem necessary in the care, management and maintenance of the public streets, sewers, bridges, culverts and water works and in the fulfillment of the duties and exercise of the powers conferred upon him and shall



fix their compensation and he may discharge or remove any of such foremen, agents, employees and laborers at any time.

SEC. 162. Said commissioner shall have no power to expend any money, or to incur any debt for any purpose by contract or otherwise beyond the amount of the appropriations made by the board of aldermen as herein provided.

SEC. 163. The commissioner of public works shall have the exclusive general management and supervision of the city water works, and may make and enforce regulations regarding the use and control of the water. He shall have authority to enforce beyond the limits of the city such regulations as may be necessary for the care, protection, preservation, management and control of said city water works and water supply, in the same manner and to the same extent as within the city.

The superintendent of water works shall have the special and immediate care and practical supervision of the city water works, but shall at all times be subject in respect thereto to the orders of the commissioner of public works.

SEC. 164. The city council shall establish rates to be paid for the use of water supplied by the city water works which shall be called "service rates." Such service rates shall be and are hereby made a lien in the nature of a tax upon the real estate so supplied with water and shall be collected and enforced under such regulations and ordinances as the city council shall prescribe. Water shall not be furnished outside the city limits.

SEC. 165. All moneys received in any way on account of the city water works shall be paid into the city treasury, the city treasurer shall keep accounts, showing fully all receipts and payments had and made in any manner on account of the water works, separately from all other receipts and payments.

#### STREET DEPARTMENT.

SEC. 166. The commissioner of public works shall have the exclusive general management and control of the work on the city streets, bridges, culverts, sidewalks and sewers and shall see that the same are properly constructed and kept in repair, and shall have the same powers in respect to repairs of streets, highways, bridges and culverts as road commissioners and selectmen in towns; and shall, when the public good requires, cause all streets and highways to be worked and graded the entire width thereof and made in such a manner as will in his judgment best accommodate the public; but he shall have no power to spend any money or incur any debt beyond the amount of the appropriations made by the city council. The superintendent of streets shall have the immediate care and practical supervision of the streets, highways, bridges and culverts, but shall at all times be subject in respect thereto to the orders of the commissioner of public works.

#### STREETS AND HOW LAID OUT.

SEC. 167. The commissioner of public works, the superintendent of streets and the president of the board of aldermen shall constitute the board of highway commissioners and shall, except as herein otherwise provided, have the same power to lay out, alter, resurvey and discontinue streets and highways as is vested by law in selectmen of towns; and all proceedings in respect to laying out, altering, resurveying and discontinuing streets and highways in said city shall be had in the same manner as provided by the law of this state in respect to such matters in towns.

SEC. 168. Streets and highways in said city of less than three rods in width may be laid out, opened, accepted, established and maintained by the board of highway commissioners; provided the owners of a majority of the frontage on such street or highway shall file their petition therefor in writing with the clerk of said city.

SEC. 169. All streets or highways in said city of less than three rods in width heretofore deeded or dedicated to said city for public highways and heretofore accepted; and all such streets or highways laid out or opened by it, are hereby declared to be legal streets and highways; and all acts, votes and resolutions of said city in respect thereto are hereby declared to be legal and valid.

SEC. 170. If any person owning or interested in lands through which a street or highway in said city is laid out, altered or resurveyed by the board of highway commissioners, is dissatisfied with the laying out, altering or resurveying of said street or highway, or with the compensation awarded for his damages, or in case no damages are awarded him, he may have the same proceedings in respect thereto as if such street or highway were laid out, altered or resurveyed in any town in this state; and such proceedings shall be conducted in the same manner and shall have the same effect as provided by law in case a highway was laid out, altered or resurveyed in any town in this state; except that no person by reason of being a resident or taxpayer in said city shall be disqualified to act in such proceedings as a commissioner appointed by the county court.

SEC. 171. In case said board of highway commissioners shall decide to discontinue any street or highway in said city, any person owning or interested in the lands abutting said street who is dissatisfied with such decision may within sixty days thereafter institute proceedings which shall have the same effect, be conducted in the same manner and subject to the same conditions and provisions as if such person were dissatisfied with the laying out, altering or resurveying of any street or highway in said city.

SEC. 172. The said board of highway commissioners shall have the power to raise or lower the surface of any street or



highway of said city. The same proceedings shall be had in respect to awarding damages to the abutting owners upon such street or highway which they shall suffer by reason of the raising or lowering of said street or highway as are herein provided in laying out or altering streets or highways.

#### NOTICE TO ADJOINING LAND OWNERS.

SEC. 173. Whenever under the provisions of this act the board of highway commissioners is required to give notice of the time and place of any examination or hearing before it touching the laying out, altering or discontinuing any street or public highway in said city, or the award of any damages therefor, a citation shall be issued, signed by said board and containing the names of all persons to whom notice is to be given.

SEC. 174. Such citation shall be made at least 12 days prior to the time appointed for such examination or hearing, except when otherwise specially provided in this act.

SEC. 175. Service of such citation may be accepted by any or all persons therein named, by endorsing their acceptance in writing thereon.

SEC. 176. Such citation may be served by any sheriff or constable in this state upon any person therein named residing or being in this state, in the same manner as an ordinary writ of summons.

SEC. 177. Such citation may be served by such sheriff or constable upon a person not an inhabitant of this state by leaving a true and attested copy of said citation with his return thereon endorsed, with, or at the residence of, his known agent or attorney, if he has one in this state; and if not with, or at the residence of, the occupant of the land to which such hearing may appertain. If there is no such occupant, then such copy of said citation shall be by said sheriff or constable left at the office of the clerk of said city for such persons so owning or interested in such land.

SEC. 178. Said city clerk shall mail to the last known post-office address of such person, in a registered package, a true and attested transcript of such copy so left with him, which shall be certified by him under the seal of said city. Said city clerk shall certify under seal of said city all his doings touching said copy so left with him by said sheriff or constable and shall attach to said certificate all registry receipts pertaining to such copy received by him.

SEC. 179. The return of such sheriff or constable upon the original citation, and the certificate of such clerk and said receipts, shall be prima facie evidence of the service of said citation as herein provided. Said citation and return thereon, with said certificates of said city clerk and said receipts, shall be made a part of the record of said proceedings and shall be filed in the office of said city clerk.

SEC. 180. If at any stage of the proceedings before said board of highway commissioners or in any proceedings subsequent thereto, it shall appear that any person owning or interested in such lands shall not have been duly notified, said board of highway commissioners or other tribunal in or before which such proceedings shall be pending shall cause a citation to be served upon said persons not notified as herein provided, and shall cause said proceedings to be postponed to such time as will permit such citation so issued to be served in the manner provided herein for the service of original citations in such matters. Commissioners appointed by the county court or by a justice of the peace or agreed upon between the parties shall have the same power to issue citations that the board of public works has, which citation shall be served in the same manner as if issued by the board of public works.

SEC. 181. The said board of highway commissioners before which such proceedings are pending, may cause such further notice to be given by citation, publication, or in any other manner prescribed by it in an order for that purpose. A copy of such order, citation, notice of publication or other notice which shall have been delivered to such land owner in person and verified by the affidavit of the person delivering the same, shall be prima facie evidence of such further notice.

SEC. 182. No proceedings instituted by said board of highway commissioners under said citation, nor any proceedings subsequent and pertaining thereto, shall be void on account of any failure to give notice to any person or persons interested therein or shall for that reason be dismissed, but such proceedings shall be suspended till such person or persons are duly notified; whereupon the same proceedings shall be had in the same manner and with the same effect as if such person had been duly notified by the original citation. If the person so notified shall appear he may be heard upon all matters therein pending in which he is interested.

#### DIGGING IN THE STREETS.

The commissioners of public works shall have power to compel any person, acting under authority from him, to restore any sidewalk, street, pavement, highway, alley, lane, court or public ground in said city that he shall dig up or disturb, to a condition that shall be satisfactory to the city engineer.

The commissioner of public works shall have the power to prevent any person from digging or cause digging to be done in any streets, highway, alley, lane, court, public place or ground in said city, without first obtaining from said board a written permit therefor.

#### SEWERS.

SEC. 183. The city council is authorized and empowered to establish, construct and maintain public sewers in said city,



and may establish, construct and maintain public sewers in and through the lands of individuals and corporations, on making compensation therefor in the same manner as provided by law in the laying out and establishing highways in towns, and the same proceedings shall be had and the same right of appeal shall exist as in the case of laying out and establishing highways.

#### LICENSING PLUMBERS, ETC.

The city council shall have power to license plumbers, drain layers or other competent persons, to lay service pipes and lateral drains to connect with public water mains and public sewers, and no person shall make such water or sewer connections, without first obtaining a permit therefor. All persons, licensed by the city council, shall make reports of their doings in accordance with such rules, regulations and requirements, as said city council may establish.

#### CEMETERY COMMISSIONERS.

SEC. 184. There shall be three cemetery commissioners, who shall have the management and control of the public cemeteries of the city, and have the same powers as are provided by the general laws of the state respecting cemetery commissioners, subject to the orders and ordinances of the city council. The cemetery commissioners shall be appointed by the mayor in the month of March, subject to the confirmation or rejection by the city council, as in the case of other appointive officers, and shall hold office for three years from the first day of April following their appointment. But in March, 1909, they shall be appointed for one, two and three years, respectively, and thereafter one each year as their terms of office respectively expire.

#### BOARD OF HEALTH.

Sec. 185. The board of health shall consist of the health officer appointed by the state board of health as provided by law, and of three persons appointed by the mayor. When first appointed the term of office of said member appointed by the mayor shall be for one, two and three years, respectively; and thereafter, one member shall be appointed annually for a term of three years to take the place of the member whose term expires. It shall be provided with suitable office rooms in the city hall by the city council and the said board shall hold therein regular meetings each month and may hold such special meetings as it may from time to time provide, and shall keep full and accurate records of all meetings and all business transacted by it. A detailed account of all expenditures shall be kept by said board, which shall show at all times the amount

of all indebtedness incurred under the authority of each appropriation for the use of said board. The board of health shall be organized as provided by law, and shall perform all the duties and have all the authority of local boards of health as provided by the laws of this state.

It shall be the duty of said board of health to see to the enforcement of all laws and ordinances relating to the preservation of the public health. The said board of health shall report its doings to the mayor in the month of January in each year. The written orders of the health officers shall be enforced, and a refusal or neglect to comply therewith shall be prosecuted as provided by law.

#### DEPARTMENT OF SCHOOLS.

SEC. 186. The board of school commissioners of said city shall be composed of eleven legal voters of said city, who shall be elected as hereinbefore provided. They shall be sworn by the mayor to the faithful discharge of their duties.

SEC. 187. The city council shall fill any vacancy on the board of school commissioners, occasioned by death, resignation, removal from the ward, or other disability.

SEC. 188. Said school commissioners shall appoint one of their own members president, and shall also appoint a clerk who shall keep a full and complete record of all their proceedings. They shall by general regulations provide for the holding of regular and special meetings. A majority of said commissioners shall constitute a quorum for the transaction of business.

SEC. 189. Said board shall have the care and custody of all property belonging to or used for the several public schools of said city; shall employ teachers, janitors and such other employees as they may deem necessary and fix their compensation; have the management and control of all the public schools of said city; examine and allow all claims arising therefrom, and draw warrants for the payment of such claims upon the city treasurer, in accordance with the provisions of this act. All warrants for the payment of money drawn by said board shall be signed by the president and clerk of said board.

SEC. 190. Said board shall have in general all the powers and authority, and perform all the duties, pertaining to school officers in towns of this state, not inconsistent with the provisions of this act. It may establish graded schools and provide for instruction in the sciences and in the higher branches of a thorough education.

SEC. 191. Said board may establish such by-laws and regulations for carrying out the powers herein granted, as are consistent with the provisions of this act and the general laws of this state.

SEC. 192. Said board shall, annually, appoint a superin-



tendent of schools, who shall not be a member of said board, and fix his compensation, which shall be paid by the school commissioners in the same manner as other expenses for the support of schools; and for causes of incapacity, negligence or misconduct arising from any cause they may remove such superintendent. Such superintendent shall hold his office for one year from the time of his appointment and until his successor shall be chosen and qualified, unless sooner removed as hereinbefore provided.

SEC. 193. The superintendent of schools shall perform such duties in connection with the public schools of said city as shall be assigned him by the board of school commissioners. He shall annually report to the city council such statistics as are required by the law of this state and such other information as he shall deem proper or the school commissioners shall direct, or said city council may require.

#### TRUANT OFFICERS.

SEC. 194. Said board shall annually appoint such truant officers as in its judgment may be required, who shall have the same powers and perform the same duties as prescribed by the general law of this state for truant officers in towns and cities, and shall have such further powers and perform such further duties as shall be prescribed by any ordinance, regulation or by-law of said city.

#### SCHOOL BUILDINGS.

SEC. 195. It shall be the duty of said city to provide and maintain suitable school houses for the accommodation of all the public schools of said city.

SEC. 196. The location and construction of the school houses, and the management, sale and purchase of school property shall be under the control of the school commissioners, subject to the limitations herein provided and the limitation upon their power of incurring liabilities in behalf of said city.

SEC. 197. Before the school commissioners shall purchase or sell any real estate for school purposes, or enter into any contract for the construction of any school building, other than repairs of and additions to existing school buildings deemed necessary by said school commissioners, they shall file with the mayor a statement showing the necessity of such purchase of real estate, or of the construction of such building, together with an estimate of the cost of such real estate to be purchased or of the construction of such building and the amount of money necessary for such purpose. The mayor shall submit said estimate to the board of aldermen with his recommendations.

They shall not sell any real estate until authorized to do so by vote of the city council.

SEC. 198. They shall not purchase any real estate, nor enter into any contract for the construction of any school building, until such action has been approved, and the funds for the same provided by the city council.

SEC. 199. Upon the approval by the city council of such proposed purchase of real estate for school purposes, or such proposed construction of a school building, said city council shall provide the necessary money for such purpose by levying a tax sufficient to meet the whole or any part of the expense of such purchase or construction, provided that the sum raised by taxation in any one year for school purposes, including such purchase of real estate or construction of a school building, shall not exceed such sum as would be raised by a tax of fifty cents upon the dollar of the grand list of said city, excepting when authorized by the legal voters of the city to exceed that amount.

SEC. 200. The city council shall annually appropriate for the use of schools such sums as shall be recommended by the board of school commissioners, but such appropriation shall not exceed the amount which would be raised by a tax of fifty cents upon the dollar of the grand list of the city, excepting when authorized by the legal voters of the city to exceed that amount. Said board of school commissioners shall have no power to expend any money or to incur any debt for any purpose by contract or otherwise beyond the amount of the appropriations made by the city council as herein provided. But this section shall not apply to money received from the state for school purposes nor to money received for tuitions nor other money received by the city for school purposes not raised by taxation. All such moneys shall pass through the city treasury.

SEC. 201. All statute laws of the state, not inconsistent with this act, having special reference to the existing graded school district, shall be continued in force, and the board of school commissioners shall be governed thereby, so far as applicable, in administering the affairs of their department of the city government.

#### PURCHASING AGENT.

SEC. 202. The purchasing agent shall give bonds for the faithful performance of his duty, to the satisfaction of, and receive such compensation as may be fixed by, the city council. He shall be subject to the ordinances of the city council.

SEC. 203. All tools, machines, vehicles, animals, materials and supplies required for use in any and all departments of the city government shall be purchased by said purchasing agent.

SEC. 204. Every official, committee or board requiring any of the property aforesaid for use in his or their department shall make written requisition therefor upon the said purchasing



agent, who shall immediately proceed to purchase, under the provisions of the ordinances, the property so required and to distribute it accordingly, taking a receipt therefor upon the original requisition, and shall then forward said requisition to the city clerk, who shall record the substance thereof in a book to be kept for that purpose and charge the amount thereof to the proper department.

## CITY COURT.

SEC. 205. The governor shall biennially in the month of November, appoint from among the legal voters of said city a city judge of the city court of said city, and shall commission him as city judge for two years from and after the first day of April next succeeding his appointment. He shall hold office for two years and until his successor is appointed and qualified.

The governor shall fill all vacancies in the said office, occasioned by death, resignation or removal from the city or permanent inability to serve on the part of said judge, for the unexpired term of said office.

SEC. 206. The city council shall annually appoint from among the justices of the peace in said city an assistant city judge. In case of absence from the city, disqualification or inability to serve on the part of the city judge, the assistant city judge shall act as judge in his stead.

SEC. 207. Whenever the city judge shall be unable to attend at the time appointed for the trial of any cause, for some cause not specified in the preceding section, the clerk of said court or the assistant city judge of said city shall continue the same for a period not exceeding three months.

SEC. 208. The death, resignation, removal from the city, permanent inability to serve, or expiration of the term of office, on the part of the city judge shall not cause a discontinuance or transfer to another jurisdiction of any cause pending in said city court, but the same shall continue pending in said court and be tried and disposed of by his successor in the office.

SEC. 209. No judge of said court shall be disqualified from hearing and deciding any cause in said court in which the said city may be a party defendant or trustee by reason of said judge being a taxpayer or liable to taxation in said city.

SEC. 210. The city judge shall receive a salary of fifteen hundred dollars per annum, to be paid by the state treasurer, which shall be in lieu of all other fees and charges in criminal causes, as provided by section 6178 of the Public Statutes.

SEC. 211. The city judge shall appoint a clerk of said court from among the legal voters of said city, who shall hold office during the pleasure of the city judge.

SEC. 212. The clerk of said court shall be the recording officer thereof, and shall furnish to any person, when tendered the legal fees therefor, certified copies under the seal of said

court, of any records, proceeding or minutes thereof.

SEC. 213. The clerk of said city court may in all cases of misdemeanor or violations of the city ordinances, in the absence of the city judge from said court, fix the amount of bail to be furnished by any respondent arrested and brought before said court and take respondent's recognizance and that of his sureties in said case, and also in cases where bail has been fixed by said city court; and any recognizance so entered into before said clerk shall have the same effect as if entered into before said city court.

SEC. 214. Said judge of the city court shall, before entering upon the duties of his office, give bond to the city with sufficient sureties in a sum to be fixed by the board of aldermen, for the faithful discharge of his official duties, and shall give to the state a like bond in a sum to be fixed by the assistant judges of the county court.

SEC. 215. The city court shall be a court of record, shall have a seal and be open at all times and shall be held by said city judge.

SEC. 216. The city court shall have the same power over its judgments, records and proceedings as is now vested in the county courts by statute or common law, and may exercise in connection therewith all the powers of courts of record at common law, and may open and reconsider any judgment rendered by default upon application made by the party defaulted within thirty days from the date of such judgment, provided no execution shall have been issued; and no execution shall issue in any case unless by special permission, until the expiration of twenty-four hours after judgment.

SEC. 217. The city court shall have all the powers granted by law to justices of the peace, and the judge of said court shall be authorized to perform the duties required by law to be performed by justices of the peace; and all provisions of law applicable to proceedings before justices of the peace shall apply to said city court, except as herein otherwise provided.

SEC. 218. The city judge is authorized and empowered to perform all the duties touching the perpetuation of testimony required to be performed by judges of the supreme court in sections 1625, 1626 and 1627 of the Public Statutes, and said city judge shall have and exercise all the powers conferred upon judges of the supreme court thereunder, in respect to testimony to be used in any court in this state.

SEC. 219. The city judge and clerk shall each have power to take affidavits and depositions to be used in any court in the state; to administer oaths for general purposes, and also to take acknowledgments of deeds, leases and other instruments, and may certify to the same under the seal of said court.

SEC. 220. The city court shall have jurisdiction of all actions of a civil nature, including replevin and trespass on the freehold, if either of the parties resides in said city at the time



of the commencement of the action, or if neither party resides in the state at such time and the cause of action arose in the city of Rutland, where the debt, damage or value of the goods and chattels replevied or other matters in demand, does not exceed \$500, but nothing herein contained shall affect the original jurisdiction of the county court, as now provided by law; provided, that the provisions of section one thousand four hundred and ninety-six of the Public Statutes, in regard to the town in which writs in certain suits therein described shall be made returnable, shall apply to said city court; and all such suits as may be returnable under said section in the city of Rutland may be returnable to said city court in said city.

SEC. 221. The city court may try and determine all prosecutions for such criminal offenses committed within the county of Rutland which may be prosecuted by complaint or information except offenses within the jurisdiction of a justice of the peace to try and determine, which are committed without said city by a respondent not residing in said city.

SEC. 222. The city court is empowered to cause to be apprehended and committed to prison, or bound over with sufficient sureties for trial by county court, all persons charged with crimes committed in said county of Rutland exceeding its jurisdiction to try.

SEC. 223. The city court shall have exclusive original jurisdiction of all complaints and prosecutions for violations of city ordinances, regulations and by-laws.

SEC. 224. Criminal prosecutions before said city court shall be brought by the state's attorney, city attorney or grand juror in said city.

SEC. 225. In all criminal causes before said court, including prosecutions for violations of any city ordinance or by-law there shall be the same right of appeal to the county court as is secured by law in criminal causes tried before a justice of the peace.

SEC. 226. In all prosecutions for nuisances the said court shall have power, subject to such restriction as may be prescribed by the city council, to order the nuisance complained of to be abated and removed and to issue such warrants as shall be necessary to carry its orders into effect.

SEC. 227. When any person shall be in actual confinement in the jail of Rutland county, by virtue of a complaint for any crime or misdemeanor alleged to have been committed in said county the city court shall, upon the application of such person, order the state's attorney of said county to file an information against such person; and said court shall have the same power and perform the same duties as are prescribed in section 2257, 2258 and 2260 of the Public Statutes.

SEC. 228. All process both civil and criminal returnable to or issuing out of said court, except a citation for a new hearing or trial in which a stay of proceedings shall be made, may be signed by either the judge or clerk of said court; and all

papers to be filed in said court may be filed with the judge or clerk. Any justice of the peace or master in chancery within the county and the master in chancery within the county and the clerk of the county court may sign writs returnable before the said court.

SEC. 229. The judge of the city court may, whenever he deems it proper, require the pleadings in a cause or any part thereof to be in writing under such rules of court as he shall prescribe.

SEC. 230. The city judge shall make all necessary rules for the orderly practice in said court.

SEC. 231. The judge of said court may, and at the request of either party shall, instruct the jury touching the law applicable to a cause on trial.

SEC. 232. In all prosecutions before said city court the prosecuting officer shall be entitled to tax and receive the same fees provided for town grand jurors.

SEC. 233. In all civil and criminal cases before the city court the city judge shall tax and receive twice the sum allowed by law to justices of the peace in like suits or prosecutions before them; and he shall also be entitled to tax and receive the sum of \$1.00 for each bill of exceptions allowed and signed by him except in criminal cases.

SEC. 234. The clerk of said court shall be entitled to receive \$1.50 for each copy of the proceedings in all cases appealed to the county court, and the same fees for copies of records as are allowed to clerks of said county court. He may receive such additional compensation as the city judge may allow him out of his salary.

SEC. 235. All fines, penalties, forfeitures and costs imposed and recovered in said court shall be paid to the judge of said court and by him into the treasury to which the same are by law payable.

SEC. 236. When a mittimus shall issue from said court in a cause wherein a fine shall have been imposed in which the city is interested, the judge thereof shall take from the officer to whom the mittimus shall be delivered a receipt therefor and keep the same on file in said court until such fine or penalty and costs shall have been paid, or the respondent shall have been committed thereon, or said fine and costs shall have been remitted according to law.

SEC. 237. Said judge shall, on or before the first Monday in each month, pay to the city treasurer all fines and costs collected by him during the preceding month which are payable to the city, which sum shall be receipted for by said treasurer.

SEC. 238. Said judge shall file in the city clerk's office, on or before the first Monday in January, April, July and October, a statement of all cases finally disposed of in said court during three months, in which the fines are payable to the city, and shall state therein the date of trial, the name of the respondent,



the nature of the offense, the fine imposed, if any, and the costs of prosecution in said cases; the amount paid to the city treasurer as fines and costs, and the names of the persons entitled to fees therein.

SEC. 239. Said costs shall be audited by the board of finance and shall be disbursed by the city treasurer to the persons entitled thereto.

SEC. 240. From the judgment of the city court in all civil causes, except as hereafter provided, an appeal may be taken to the county court under the same regulations as are provided for an appeal from the judgment of a justice of the peace in civil actions.

SEC. 241. In all prosecutions for criminal offenses within the jurisdiction of the city court to try and determine, and in all civil causes before said court, exceptions to the decision of said court upon questions of law may be taken to the supreme court in the same manner and under the same regulations as provided by law for exceptions from the county court to the supreme court in criminal causes, respectively, but no such exceptions shall be allowed when an appeal is taken to the county court. Nor shall the defendant in any action based upon section 1870 of the Public Statutes, be allowed either such exceptions or an appeal to the county court unless he gives security by way of recognizance with sufficient surety to the plaintiff that he will enter the action in the county or supreme court, as the case may be, and pay the rent then due and intervening rent, damages and costs. Such exceptions shall be signed by the judge of said city court and filed with the county clerk, within 20 days from the date of judgment.

SEC. 242. All hearings upon the question whether the defendant is about to remove or abscond from the state and has property, to an amount exceeding twenty dollars, or sufficient to satisfy the demand upon which he is arrested, shall be had before the city judge, except as herein provided, notwithstanding the clerk of said court signed the writ or execution in such case.

SEC. 243. In case said city judge is absent from the city, disqualified or unable to serve, such hearing may be had before the clerk of said court.

SEC. 244. Justices of the peace in said city shall pay all fines payable to said city to the city treasurer, and make all reports in the same manner and subject to the same provisions and conditions herein provided for the clerk of the city court.

SEC. 245. Either party in civil or criminal causes before said city court shall be entitled to a jury under the same provisions and regulations as are now prescribed by law for juries in justice's courts.

SEC. 246. All acts and parts of acts heretofore enacted relating specifically to said city of Rutland and inconsistent herewith or the subject matter of which is herein treated of, are hereby repealed; but such repeal shall not affect a suit or

proceeding had or commenced in a civil or criminal cause before such repeal shall take effect but the proceedings therein shall when necessary conform to the provisions of this act.

SEC. 247. Such repeal shall not effect a penalty or forfeiture incurred under any of the laws repealed before this act shall take effect; except that when a punishment, penalty or forfeiture is mitigated by the provisions of this act, such provisions may be extended to any sentence or judgment pronounced after said repeal.

SEC. 248. Such repeal and the enactment hereof, shall not effect any ordinance, resolution or by-law lawfully enacted, ordained and established under the provisions of said acts, and not inconsistent with the provisions of this act, but the same shall be and remain in full force and effect until the same shall be repealed, altered or amended as herein provided; and the mayor and aldermen of said city, and all city officials holding office therein under and by virtue of the general laws of this state or the acts or parts of acts hereby amended and repealed, shall hold office till the expiration of their current terms of office, unless such office shall sooner become vacant under the provisions of the general laws of this state or the provisions of such acts so amended and repealed.

SEC. 249. When a limitation or period of time prescribed in any act hereby amended or repealed for acquiring or enforcing a right or barring a remedy, or for any other purpose has begun to run, and the same or a similar limitation is prescribed in this act, the time of limitation shall continue to run and shall have like effect as if the whole period had begun and ended under the operation hereof.

SEC. 250. In the construction of this act the rules provided in title one, chapter one of the Public Statutes shall be observed, unless such construction is inconsistent with the manifest intent of the general assembly, or repugnant to the context of this act.

SEC. 251. The provisions of this act, so far as they are the same as those of acts hereby amended, shall be construed as a continuation of such acts and not as new enactments.

SEC. 252. Except when changed or modified by the provisions of this act or by any legal regulation or ordinance of said city, all provisions of the statutes of this state relating to towns and town offices shall apply to said city and to the several officers thereof corresponding to like officers of towns. In such statutes the word "selectmen" and the "board of civil authority" shall include "city council," and the words "first selectmen" shall include "mayor."

SEC. 253. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 254. This act shall take effect from its passage.

Approved January 23, 1909.



tolls, provided that the selectmen or trustees of any of the towns or villages in which said railroad may be in operation may apply to the county court of the county in which said town or village may be, by petition or complaint, setting forth in substance that the rates of fare and toll are excessive, which petition or complaint shall be served upon said company in the same manner as a writ of summons, and said court shall hear the parties and decide and determine what rate of fare and toll said company shall thereafter, for the period of two years, demand; and the rate so fixed shall be printed and kept posted in a conspicuous place in each passenger depot used by said company.

SEC. 12. Any person or corporation who shall unlawfully hinder or obstruct said company in the use of its roads or tracks, or in the construction of the same, shall for every such offense be fined not more than fifty dollars, or imprisoned not more than three months, or both.

SEC. 13. Said company may merge and consolidate the capital stock, franchises and property with or may sell its capital stock, franchises and property to the Bennington and North Adams Street Railway Company and any other street railway company except such as operates a line parallel to or competing with the road of this company upon such terms and conditions as may be agreed upon by the board of directors and ratified by a majority vote of the stock of each of the consolidating companies voting at any meeting duly called for that purpose.

SEC. 14. Said company shall have power to borrow money, issue its bonds therefor and, upon vote of its stockholders, mortgage its property and franchises to secure the payment of such bonds, to an amount not exceeding three-fourths of the par value of its said property and franchises. Said bonds may bear interest at a rate not exceeding six per cent.

SEC. 15. The provisions of chapter one hundred ninety-two of the Public Statutes shall apply to and be treated as a part of this act.

Approved December 2, 1908.

No. 303.—AN ACT RELATING TO UNITING THE RUTLAND RAILWAY, LIGHT AND POWER COMPANY, THE RUTLAND STREET RAILWAY COMPANY, THE PEOPLES GAS LIGHT COMPANY, THE RUTLAND CITY ELECTRIC COMPANY, THE CHITTENDEN POWER COMPANY, AND THE VERMONT INTERNAL IMPROVEMENT COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. All acts and contracts whereby the Rutland Street Railway Company, the Peoples Gas Light Company, the

Chittenden Power Company and the Rutland City Electric Company united and consolidated with the Vermont Internal Improvement Company, under and in pursuance of the power and authority conferred by section 5 of No. 277 of the acts of 1902, and other acts relating to such consolidation, and all agreements in relation thereto made by said companies, are hereby confirmed and declared legal and binding upon all parties thereto, and all acts heretofore done under and by virtue of such consolidation or such agreements in respect thereto, and all deeds, mortgages, bonds, contracts and other obligations entered into under the name of the Rutland Railway, Light and Power Company, are hereby confirmed and declared legal and binding upon said companies.

SEC. 2. All of the charter rights, franchises, powers and privileges conferred upon the Rutland Street Railway Company under and by virtue of No. 181 of the acts of 1882, and by all existing amendments thereof, upon the Peoples Gas Light Company under and by virtue of No. 60 of the acts of 1862 and No. 12 of the acts of 1867, and all existing amendments thereof, upon the Vermont Internal Improvement Company under and by virtue of act No. 277 of the acts of 1902, and all existing amendments thereof, upon the Chittenden Power Company under and by virtue of the articles of association for the voluntary formation thereof, and upon the Rutland City Electric Company under and by virtue of the articles of association for the voluntary formation thereof, except as herein otherwise provided, are hereby continued in force and conferred upon the Rutland Railway, Light and Power Company, and said companies so united and consolidated shall hereafter be known by the name of the Rutland Railway, Light and Power Company, and have full right to sue and be sued, make and enter into contracts, and do and perform any act or thing that might or could heretofore have been done by any or either of said companies under the name and style aforesaid, and each of the aforesaid constituent companies shall cease to exist as separate and independent companies.

SEC. 3. The records of the above named corporation heretofore kept shall remain in the custody of the Rutland Railway, Light and Power Company, and form a part of its records, and the capital stock of said constituent companies shall be cancelled and certificates of stock issued therefor shall be in the name of the Rutland Railway, Light and Power Company; and all the property of said several companies shall belong to and may be conveyed by the Rutland Railway, Light and Power Company in its name, and it shall be liable for all debts and obligations of said several constituent companies, and the consolidation agreements filed with the secretary of state, are hereby confirmed and shall be kept on file by the secretary of state as required in case of articles of association by voluntary association.



SEC. 4. The Rutland Railway, Light and Power Company is hereby empowered to make and file in the clerk's office of any town or city wherein said corporation owns real estate, water powers or flowage rights, maps or plans with written descriptions of boundary lines and elevations and points designated in any and all of its deeds of conveyance, or in those of its predecessors in title, or in the companies of which it is composed, by reference to any permanent monuments, or otherwise, for the purpose of determining such boundaries or elevations. Such plans and written descriptions shall be verified by an affidavit signed by one or more civil engineers residing in this state, and the president or clerk of such corporation, stating that such boundaries and elevations are, to the best of their judgment, knowledge and belief correctly located according to the description contained in said deeds. Such maps, plans and written descriptions shall be *prima facie* evidence in court of the character and location of all such boundaries and elevations.

SEC. 5. This act shall take effect from its passage.

Approved November 18, 1908.

No. 304.—AN ACT TO AMEND AN ACT RELATING TO THE RUTLAND RAILWAY, LIGHT AND POWER COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Rutland Railway, Light and Power Company is hereby authorized to refund all or any part of its outstanding indebtedness, including its bonds, contracts and other obligations, or to secure the same by an additional or supplementary mortgage or mortgages, deed of trust or inventory upon all its property, rights, privileges and franchises, real and personal, and to pledge any property held by it, for that purpose, or it may mortgage any of the property, rights, privileges and franchises to raise additional funds to extend or improve its plant or property, provided that the aggregate amount of its bonded indebtedness shall not exceed two million five hundred thousand dollars. Said company is hereby authorized to issue bonds described in and secured by the mortgage now outstanding to the amount authorized thereby, and said mortgage shall be valid and binding upon all the property covered by its terms whether acquired before or since the execution of said mortgage, and such bonds shall be secured equally with the bonds and obligations heretofore issued thereunder provided they are issued only according to the terms of the last aforesaid mortgage.

SEC. 2. Said corporation is hereby authorized to extend its railway and construct and maintain additional dams and reservoirs, canals, flumes, tunnels, penstocks and power houses in any town as it may deem necessary for additional power to operate its railway and electrical plants, and to increase the capacity of its dams and reservoirs, and to enter into any contracts, agreements or covenants in relation to the business or objects of said corporation, and may construct and maintain additional conduits and transmission lines in and upon the streets and highways in any town, as it may deem necessary to carry on its business affairs. It shall have power to construct and maintain additional plants for the producing of electricity and electrical power.

SEC. 3. If in the construction and maintenance of any dams, wing or retaining walls, flumes, penstocks, power houses and appurtenances, or the transmission lines, it becomes necessary to take the land of any person or corporation, or to flow water on to, or to take and divert the waters of any stream or spring, or otherwise damage the land or property of any other person or corporation, or to erect and maintain transmission lines, towers or conduits on the land of any other person or corporation, this corporation cannot agree with the owner thereof as to the necessity for so doing, and the damage to be paid therefor, this corporation may make application to two judges of the supreme court, who shall thereupon appoint two disinterested commissioners to determine the necessity thereof, and the damages which the said owner or owners or occupants thereof will sustain by the taking of such land, rights or privileges, or by the flowage thereof or by the taking or diverting the water of such stream or spring, or by the erection and maintenance of poles, towers, conduits or wires thereon for the purposes of furnishing power for its railway and plants, and thereupon the same proceedings shall be had as provided for taking of land and the appraisal of damages in the case of a railroad corporation taking the land or property for the construction, maintenance and accommodation of its road in chapter 191 of the Public Statutes, and all the rights of appeal therein provided, and upon payment or tender of the damages and costs so ascertained and determined, this corporation may proceed to take such lands, or flow water upon, or otherwise damage said land, or to erect and maintain conduits, towers, poles, or wires thereon, or to take and divert such waters as in such proceedings is determined to be necessary.

SEC. 4. If before the termination of such proceedings it becomes necessary to take, occupy or flow water upon, or otherwise damage or use any land for the above purposes, any judge of the supreme court may authorize such taking, use, occupation and flowing, upon payment or tender of the damages sustained by the owner or owners thereof, until the proceedings



for the taking thereof shall be terminated, on requiring a bond to cover any damage which may be done by said corporation,—the amount of such bond to be fixed by the judge.

SEC. 5. Said corporation is authorized to pledge as security its capital stock to secure indebtedness of said company, or to raise money to construct additional plants, or to procure additional equipment for the business of said company, not exceeding the par value of any share or shares of stock pledged for that purpose.

SEC. 6. Nothing in this act shall be construed to authorize or permit the Rutland Railway, Light and Power Company, or any of its successors to construct or maintain any dam, reservoir, canal, flume, tunnel, penstock, power house, electric plant, conduit or transmission line, or to flow water upon or take the land of any corporation or person, or to take or divert the water of any stream or spring, or otherwise to damage the land or property of any other corporation or person, or to do any act or thing that shall abridge or interfere with or effect in any way the rights or property of any corporation or person engaged in producing, transmitting or supplying heat, light or electric power, or to take except by gift or purchase any undeveloped water power in the towns of Castleton, Fair Haven, Poultney, West Rutland, or Proctor, or to extend in said towns any railway not heretofore authorized by previous act or the general law or to take, except by gift or purchase, any water, springs, streams, water rights or land covered with water in any town. The construction and maintenance of additional railways, conduits, and transmission lines in and upon the streets and highways of any town or village shall be subject to the approval of the town or village authorities of such town or village.

Approved January 25, 1909.

#### No. 305.—AN ACT TO INCORPORATE THE ST. JOHNSBURY STREET RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Edward T. Fairbanks, Charles A. Calderwood, Elisha May, Frank Scott, Fred Gilman, James Ritchie, George Cross, Louis N. Smythe, George C. Cary, Truman R. Stiles, John M. Allen, Joseph Gauthier, W. J. Aldrich, Fred G. Bundy, Henry J. Goodrich, and Arthur Taplin of St. Johnsbury, Stewart B. Hoar of Waterford, Joseph T. Gleason and

Joshua Bemis of Lyndon, W. W. Bean of Wheelock, Harry E. Davis of Sheffield, Stephen D. Otis of Sutton, I. A. Wilson of Westmore, Patrick Donahue of East Haven, and G. E. Clark of Brighton, their associates, successors and assigns, are hereby constituted a body corporate under the name of the St. Johnsbury Street Railroad Company, for the purpose of constructing, maintaining and operating a street railroad in and through the towns of St. Johnsbury, Waterford, Lyndon, Wheelock, Sheffield, Burke, Sutton, Newark, Westmore, East Haven and Brighton, and any of the villages located in any of said towns, for transporting persons and property for hire, and may purchase and develop water power wherever located for the purpose of furnishing electric power and lights for the operation of the railroad, and for all other purposes; and by that name may sue and be sued, have a seal, and all the rights incident to corporations.

SEC. 2. The capital stock shall be ten thousand dollars, divided into shares of one hundred dollars each, and may be increased from time to time to such a sum as may be necessary to construct, equip and operate the railroad, and purchase and develop water powers as aforesaid, with all the appurtenances thereto belonging or in any wise appertaining. The incorporators shall elect one of their number chairman and receive subscriptions to the capital stock at such time and place as a majority of them shall designate, and give ten days' notice thereof by a publication in a weekly newspaper published in St. Johnsbury, and when the stock is subscribed for they shall call the first meeting of the subscribers at such time and place as a majority of them shall designate, for the purpose of organizing the corporation and adopting by-laws, and notify the subscribers thereof by a written notice signed by their chairman, and mailed to the post office address of each subscriber at least ten days prior thereto, and at that meeting the subscribers shall elect not less than five nor more than nine directors, and adopt by-laws for the government of the corporation and the management of the business thereof.

SEC. 3. The corporation may construct a railroad with one or two tracks and suitable turnouts and switches along any street or highway in the towns and villages aforesaid, subject to the provisions of Chapter 192 of the Public Statutes, but it shall conform as nearly as is reasonable to the grades of said streets and highways, and keep the streets and highways between its tracks and for a distance of two feet on the outside thereof in as good condition for the public travel as they are adjacent thereto; and the tracks shall be located so as not unnecessarily to interfere with the public travel along said streets and highways and so as not to interfere with the free access to the bridges, culverts, sewers, gas and water pipes in said towns and villages, or damage the same, and grade the surface of said streets and highways in which the railroad is constructed



NO. 313.—AN ACT TO AMEND NO. 187 OF THE ACTS OF 1902, ENTITLED "AN ACT TO AMEND THE CHARTER OF THE RUTLAND RAILROAD COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 1 of No. 187 of the acts of 1902 is hereby amended by adding thereto the following:

"Such clerk and treasurer may reside without the state, and may have their respective offices and keep the books and papers of their offices in the city of New York; provided, however, that copies of all records of the said corporation shall be kept at the principal office of the said Rutland Railroad Company in this state, and that if any original book or record of the clerk's office of said corporation, or book, record or other paper in the office or custody of such treasurer, shall be required by a party entitled under the law to inspect the same, on written notice to the clerk of said corporation, specifying the book, record or other paper, the same shall be delivered to the assistant clerk, at the principal office of said Rutland Railroad Company in this state, for inspection of such party, within five days from such notice, and subject to the order of any court; and if such corporation neglects to comply with such notice or order, it shall forfeit and pay, as liquidated damages, twenty-five dollars for each day's delay or refusal, to be recovered by the party aggrieved, in an action founded on this statute. Legal process against said corporation may be served on any station agent or depot master of said corporation with the same force and effect as if served on the clerk or any officer of said corporation."

Approved December 10, 1908.

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NO. 314.—AN ACT RELATING TO THE RUTLAND AND TIDEWATER RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. No. 180 of the acts of 1882, entitled "An act to Incorporate the Rutland and Tidewater Railroad Company," approved November 18, 1882, and all acts in addition thereto or in amendment thereof, are hereby revived and re-enacted, and the organization heretofore made and existing under said act shall be deemed to have continued and to be of the same effect as if made hereunder, provided all taxes due the state



under Chapter 35 of the Public Statutes are paid by said company.

SEC. 2. Section 9 of No. 180 of the acts of 1882 is hereby amended so as to read as follows:

Section 9. If said company shall not, on or before the first day of January, 1913, commence the survey and construction of said road and expend at least fifty thousand dollars thereon, and shall not, within ten years thereafter, complete and put in operation said road, so far as practicable, said corporation shall take no benefit of this act and the same shall be null and void, except so far as said road may be completed.

SEC. 3. This act shall take effect from its passage.

Approved December 10, 1908.

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No. 315.—AN ACT TO INCORPORATE VERMONT NORTHERN RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. August Heckscher, Maxwell Evarts, Charles Downer, James W. Tyson, Jr., Henry S. Wardner, James S. Morrill, Frank A. Berthold and Charles B. Jaqua, and such other persons as may be associated with them, and their successors and assigns, are hereby constituted a body politic and corporate by the name of "Vermont Northern Railroad Company," for the purpose of constructing, maintaining, using and operating a railroad, as hereinafter provided, and with the right of transacting such other lawful business, incident to or in furtherance of its general purposes, as may from time to time be found necessary or by it be deemed expedient. Said corporation shall have and enjoy the right of eminent domain and may lay out, construct, maintain and operate a railroad, with a single or double track, on the route designated by its location as hereinafter provided; may build, erect, operate and maintain suitable branches, buildings, stations, shops, fixtures, machinery, switches, side-tracks, terminal facilities and other appurtenances and conveniences for the accommodation of the passengers, freight, employees and business of said railroad; may receive, take, hold, use, purchase, exchange, mortgage, pledge and convey such real and personal estate, rights, franchises and privileges, as may be necessary or proper, in the judgment of said corporation, for the construction, maintenance or operation of such railroad, its structures and appurtenances, and in furtherance of its business; may have a common seal and alter the same at pleasure and, by its corporate name, shall have perpetual

delivery of its capital stock to the stockholders of said Pittsford Sewer Company in such amount, to the extent it is permitted by its charter to issue stock, as may be agreed upon between the stockholders of the said corporations; and the stock of the said Pittsford Sewer Company when delivered shall be cancelled.

SEC. 4. The records of the Pittsford Sewer Company shall be surrendered into the custody of the Pittsford Aqueduct Company.

SEC. 5. This act shall take effect from its passage.

Approved November 17, 1908.

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NO. 325.—AN ACT IN RELATION TO THE RUTLAND  
FIRE CLAY COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Rutland Fire Clay Company, a corporation organized by voluntary association under the laws of Vermont, is hereby declared to be a valid body corporate for the purposes of mining, quarrying and manufacturing, buying, selling and dealing in fire and other clays, earths, coals, metals and minerals, and goods, wares and merchandise composed wholly or partially thereof.

SEC. 2. Said corporation may from time to time increase its capital stock in the manner now or hereafter provided by law, upon payment to the state of the fees required by law for the increase of capital stock of corporations; provided that the amount of such capital stock at any time issued and outstanding shall not exceed five million dollars. Such increase in capital stock may bear such restrictions as to voting power and may have such privileges and preferment by way of interest, dividend, participation in liquidation, as the stockholders in said corporation may from time to time determine; provided that such preferred stock shall at no time exceed in amount one-half the entire capital stock issued and outstanding.

SEC. 3. Said corporation may from time to time issue bonds and secure the payment of the same by mortgage or deed of trust upon any or all of its property, property rights and franchises; provided that any bonds so issued, exclusive of interest, together with the par value of its preferred stock, if any outstanding, shall at no time exceed in amount one-half the capital stock of said corporation. And the bonds of said corporation already issued, and dated April 4, 1908, are hereby legalized, and the deed of trust securing the same is declared to be a valid incumbrance according to its terms upon the



property, property rights and franchises described therein and purporting to be incumbered thereby.

SEC. 4. Said corporation is authorized to acquire and hold the stock and bonds of other corporations within or without this state authorized to do, or engaged in, any business of the character authorized by this act, and to sell and dispose of such stock and bonds at pleasure.

Approved December 17, 1908.

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No. 326.—AN ACT TO ENABLE THE VERMONT SANATORIUM TO SECURE A WATER SUPPLY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Vermont Sanatorium, a charitable corporation, located at Pittsford, is hereby authorized to contract with the village of Proctor for a supply of water from the aqueduct of said village passing through said town of Pittsford, and to construct and maintain a pipe from said aqueduct to said sanatorium, and said village of Proctor is hereby authorized to furnish said Vermont Sanatorium with water in accordance with such contract.

SEC. 2. Said Vermont Sanatorium may procure the right to lay and maintain said water pipe by the most convenient and practicable route from said aqueduct to said sanatorium across the land of any person, when the public good and necessity require a new and additional supply of water for the use of said sanatorium. If the trustees of said sanatorium are unable to agree with an owner of such lands as to the necessity for taking and the compensation to be paid therefor, the selectmen of the town of Pittsford, on the application of the trustees of said sanatorium, shall proceed to secure such right and have the question of the necessity for taking and the damages sustained thereby determined as provided in section 3545 and in chapter 54 of the Public Statutes; and the title to the right so secured shall be valid and shall vest in said Vermont Sanatorium for the purposes herein named. Said Vermont Sanatorium, as well as persons interested in the land, may appeal from the decision of said selectmen as to the necessity for the taking or the damages or both in the same manner as provided in said chapter 54.

SEC. 3. This act shall take effect from its passage.

Approved November 20, 1908.



No. 330.—AN ACT TO REVIVE THE CORPORATE EXISTENCE OF THE PYTHIAN LODGE BUILDING.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Pythian Lodge Building, a corporation whose articles of association were filed in the office of the secretary of state on the fourth day of February, 1902, and are recorded in volume three, on page twenty-two, of the records of the formation of corporations in the office of the secretary of state, having, under the provisions of No. 90 of the acts of 1904, ceased to exist as a corporation on account of its failure to pay certain annual license fees and taxes in arrears, is hereby reinstated as a corporation, with all the powers, rights, functions and franchises which said corporation had or possessed prior to the first day of April, 1906; and said articles are hereby revived.

SEC. 2. The title of said corporation in and to all its real and personal property is hereby declared to be and remain in said Pythian Lodge Building; and the said Pythian Lodge Building is hereby authorized and empowered to sell and transfer all property now standing in its name. The ownership of the several shares in said company is hereby ratified and confirmed in those persons in whose names they now stand.

SEC. 3. All rights acquired, contracts entered into, and acts performed by the directors or stockholders of said corporation for or in behalf thereof, shall, by virtue of this act, become vested in and binding upon said corporation.

SEC. 4. All license taxes which accrued against said corporation prior to the first day of February, 1903, are hereby remitted.

SEC. 5. This act shall take effect from its passage.  
Approved December 17, 1908.

No. 331.—AN ACT TO AMEND NO. 10 OF THE ACTS OF THE SPECIAL SESSION OF 1898, ENTITLED "AN ACT RELATING TO THE RUTLAND FREE LIBRARY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. No. 10 of the acts of the special session of 1898, entitled "An act relating to the Rutland Free Library," is hereby amended so as to read as follows:

"Section 1. The city of Rutland by its board of aldermen is hereby authorized and empowered to appropriate a sum not exceeding five per cent of its grand list annually for the support and maintenance of the Rutland Free Library, provided that the inhabitants of said city of Rutland shall at all reasonable and proper times have the free use of said library.

SEC. 2. This act shall take effect from its passage."  
Approved January 25, 1909.

No. 332.—AN ACT TO AMEND SECTION 3 OF AN ACT ENTITLED "AN ACT ESTABLISHING AN ACADEMY IN THETFORD, IN THE COUNTY OF ORANGE," APPROVED OCTOBER 29, 1819.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 3 of an act establishing an academy in Thetford, in the county of Orange, approved October 29, 1819, is hereby amended so as to read as follows:

Section 3. Said corporation may have a common seal, and alter the same at pleasure, may sue and be sued, may prosecute and defend actions and suits, may make its own by-laws, rules and regulations, not repugnant to the constitution and laws of this state, for the regulation of said academy, and may take and hold by gift, grant, purchase or otherwise, any estate, real or personal, for the benefit of said corporation.

SEC. 2. This act shall take effect from its passage.  
Approved December 8, 1908.

No. 333.—AN ACT TO AMEND NO. 196 OF THE ACTS OF 1888, ENTITLED "AN ACT IN ADDITION TO AND AMENDATORY OF THE CHARTER OF TROY CONFERENCE ACADEMY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 1 of No. 196 of the acts of 1888 is hereby amended so as to read as follows:

Section 1. The trustees of Troy Conference Academy, at Poultney, are hereby authorized and empowered to take by



holder for any indebtedness, direct or indirect of such stockholder to itself, subject to sale as property is sold under a conditional vendor's lien and it may refuse to transfer the shares of said stockholder until such indebtedness is satisfied, provided said corporation has given notice of its right so to do, as required by section 3688 of the Vermont Statutes.

SEC. 10. The corporation hereby created shall also have power:

1. To receive moneys on deposit or in trust, at such rate of interest or on such terms as may be agreed upon, the rate of interest to be allowed for deposits not exceeding the legal rate.

2. Accept and execute all such trusts of every description, and not inconsistent with the laws of this state, as may be committed to it by any person or persons whomsoever, or by any corporation, or by any order of the supreme court, probate court, or other court of record in this state.

3. To take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate, on trust created in accordance with the laws of this state, and execute such legal trusts on such terms as may be declared, established or agreed upon, and in case no terms are declared, established or agreed upon, then the trust property is only invested as provided by the terms of this act.

4. To act as executor of a will, codicil or written testamentary, as administrator with the will annexed, as administrator of a person deceased, as receiver, assignee, trustee or guardian of a person subject to guardianship, under the same circumstances, in the manner and subject to the same control by the court having jurisdiction, as a natural person legally qualified.

5. To accept deposits where public officers or municipal or private corporations are authorized or required by law to deposit money in a bank; and such deposit may be made by such officers or corporation with the said Quarry Savings Bank & Trust Company.

6. To issue letters of credit upon such terms as may be agreed upon by the board of directors.

7. To act as agent for the purpose of issuing, registering or countersigning the certificates of stock or other evidence of a debt of any corporation, association, municipality, state or public authority and for the collection of interest or dividends on the same, on such terms as may be agreed upon.

8. To purchase and sell stocks, bonds, mortgages and other evidences of indebtedness.

SEC. 11. The directors of said corporation may make such by-laws and regulations as they may deem necessary and proper not inconsistent with this act or the laws of this state.

SEC. 12. Said corporation shall be allowed as compensation for the care of trust property the investment and collection of the same, and for other services rendered in the execu-

tion of such trusts, such sum as shall be agreed upon; and in the absence of any agreement such compensation as is fixed by the by-laws or regulations of said corporation in force at the time that such trust is executed.

SEC. 13. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment and no dividends shall be made or declared upon the capital stock of said corporation until the same are actually earned and realized over and above all losses and expenses.

SEC. 14. This corporation shall, except as herein provided, be subject to the provisions of law applicable to trust companies, and also to all general laws which may hereafter be enacted in relation to trust companies.

SEC. 15. The provisions of section 800 of the Public Statutes shall not apply to the corporation hereby created.

SEC. 16. This act shall take effect from its passage.

Approved January 25, 1909.

No. 360.—AN ACT TO AMEND NO. 302 OF THE ACTS OF 1904, ENTITLED "AN ACT TO INCORPORATE THE RUTLAND COUNTY TRUST COMPANY," AS AMENDED BY NO. 396 OF THE ACTS OF 1906, EXTENDING THE PROVISIONS OF THE SAME.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The provisions of No. 302 of the acts of 1904, entitled "An act to incorporate the Rutland County Trust Company," as amended by No. 396 of the acts of 1906, are hereby extended for two years from December 7, 1908.

SEC. 2. This act shall take effect from its passage.

Approved December 3, 1908.

No. 361.—AN ACT IN AMENDMENT OF NO. 268 OF THE ACTS OF 1902, ENTITLED "AN ACT TO INCORPORATE THE CENTRAL TELEPHONE COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 2 of No. 268 of the acts of 1902 is hereby amended so as to read as follows:

Section 2. The capital stock of said corporation may be



SEC. 6. Any purchases of telephone lines heretofore made by said company are hereby validated.

SEC. 7. This act shall take effect from its passage.

Approved December 17, 1908.

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No. 367.—AN ACT TO AMEND SECTION 2 OF NO. 314 OF THE ACTS OF 1904, ENTITLED "AN ACT TO INCORPORATE THE RUTLAND COUNTY TELEPHONE AND TELEGRAPH COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 2 of No. 314 of the acts of 1904 is hereby amended so as to read as follows:

Section 2. The capital stock of said company may be increased to any amount necessary for the purposes herein contemplated, not to exceed twenty-five thousand dollars, and shall be divided into shares of ten dollars each which shall be deemed personal property, and shall be transferable in such manner as said company, by their by-laws, shall direct; provided that no transfer of such stock shall be valid until recorded by the secretary or treasurer of said company, or, in their absence, by one of the directors of said company, in a book kept for that purpose. Said corporation shall not contract debts in excess of three-fourths of the capital stock paid in, and any director assenting to the same shall be personally liable for the excess.

Approved December 18, 1908.

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No. 368.—AN ACT TO AMEND NO. 249 OF THE ACTS OF 1894, ENTITLED "AN ACT TO INCORPORATE THE SHOREHAM TELEPHONE AND TELEGRAPH COMPANY," AS AMENDED BY NO. 273 OF THE ACTS OF 1902, AND BY NO. 408 OF THE ACTS OF 1906.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 3 of No. 249 of the acts of 1894, as amended by section 1 of No. 273 of the acts of 1902 is hereby amended so as to read as follows:

Section 3. The capital stock of said company may be any amount, not exceeding twenty-five thousand dollars, necessary for the purpose herein contemplated, and shall be divided into shares of ten dollars each, shall be deemed personal property and shall be transferable in such manner as said company by its



# ACTS and RESOLVES

Passed by the

GENERAL ASSEMBLY

of the

STATE OF VERMONT

at the

Twenty-first Biennial Session  
1910

Session Commenced Oct. 5, 1910, Adjourned January 28, 1911



PUBLISHED BY AUTHORITY

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RUTLAND  
THE TUTTLE COMPANY  
PRINTERS  
1911

No. 80.—AN ACT FIXING THE DATES FOR HOLDING COUNTY COURT IN THE COUNTY OF RUTLAND.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. That paragraph of section 1358 Public Statutes relating to the time of holding terms of court in the county of Rutland is hereby amended so as to read as follows:

In the county of Rutland, on the second Tuesday of March and September, at the city of Rutland.

SEC. 2. This act shall take effect from its passage.

Approved October 28, 1910.

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No. 81.—AN ACT TO AMEND SECTION 1357 OF THE PUBLIC STATUTES, RELATING TO HEARINGS BEFORE A SUPERIOR JUDGE.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Sections 1357 of the Public Statutes is hereby amended so as to read as follows, viz:

Section 1357. *Hearings before superior judge.* Any superior judge, on application of either party and on reasonable notice to the attorney of the opposite party, may, in vacation, hear and determine a demurrer, or an interlocutory motion in a cause pending in a county court, and may, to expedite the trial of such cause, make any order therein which the county court could make if in session; and, by agreement of the parties, any superior judge may, at any time or place, try and determine issues of fact submitted to the court and render any judgment therein which the county court could render if in session. Exceptions may be taken from such orders and judgments, as if they had been made at the stated session of a county court, and the time for filing such exceptions shall be governed by the provisions of the preceding section. This act shall not be construed to effect pending causes.

SEC. 2. This act shall take effect from its passage.

Approved December 9, 1910.



SEC. 2. Such proceedings shall be docketed and properly indexed, and the same, together with the decision thereon, recorded in the same manner as other judgments of such court.  
Approved December 8, 1910.

No. 88.—AN ACT IN AMENDMENT OF SECTION 2204 OF THE PUBLIC STATUTES OF VERMONT.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 2204 of the Public Statutes is hereby amended so as to read as follows:

Section 2204. *Levying creditor may apply to chancery.* When an execution has been levied upon real estate as provided in this chapter, and any part of the same has been conveyed away or encumbered, or is held, in fraud of the levying creditor's rights, he may maintain a suit in the court of chancery for the satisfaction of his execution out of the real estate so conveyed or held, by a sale thereof, or otherwise, under the order of said court; and any number of creditors, though severally interested, may join in said suit.

Approved January 28, 1911.

No. 89.—AN ACT TO AMEND SECTIONS 2279 AND 2305 OF THE PUBLIC STATUTES RELATING TO RECOGNIZANCE IN CRIMINAL CASES, AND REPEALING SECTIONS 2303 AND 5232 OF THE PUBLIC STATUTES.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 2279 of the Public Statutes is hereby amended so as to read as follows:

Section 2279. *Recognizance may be required of witness.* In any proceeding in any court, or before any magistrate, for the investigation or prosecution of any criminal offense, the court or magistrate may order any witness appearing before such court or magistrate to enter into a sufficient recognizance with surety for his appearance before any court or magistrate wherein his attendance in such investigation or prosecution is necessary; and if the witness refuses to enter into such recognizance with surety, he may be committed to jail in the county

where his attendance as witness is required on a warrant of the court or magistrate making the order and there detained until such time as his attendance to testify is required.

SEC. 2. Sections 2303 and 5232 of the Public Statutes are hereby repealed.

SEC. 3. Section 2305 of the Public Statutes is hereby amended so as to read as follows:

Section 2305. *Bail, when hearing is postponed.* When a justice postpones the trial of a criminal cause, or the examination of a person charged with a criminal offense which is bailable, he may take security of said person by way of recognizance to the state, for his appearance before him, on the day to which the trial or examination is postponed.

SEC. 4. This act shall take effect from its passage.

Approved January 6, 1911.

No. 90.—AN ACT RELATING TO THE CONFINEMENT OF PERSONS ACQUITTED BY REASON OF INSANITY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. A superior judge, upon hearing, after twelve days' notice to the state's attorney of the county in which the case was tried, may for good cause shown order a change of the place of confinement of a person confined under the provisions of section 2329 of the Public Statutes.

SEC. 2. This act shall take effect from its passage.

Approved December 7, 1910.

No. 91.—AN ACT RELATING TO INFORMING OFFICERS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Whenever a sheriff, deputy sheriff, constable or police officer of any city or incorporated village, shall arrest a person without warrant for any misdemeanor, if such misdemeanor is committed within the jurisdiction of a city or a municipal court, he shall forthwith take the respondent before such court.

SEC. 2. All sheriffs, deputy sheriffs, constables and police officers of any city or incorporated village, shall be informing officers for the purpose of making presentment against such



persons so arrested by them, and shall make presentment by information in writing, under their oath of office, and official signature, to the city or municipal court before which such respondent is brought. They shall be sworn before entering upon the duties of their office, and a record of the oath of constables and police officers shall be made by the city or town clerk, and a record of the oath of sheriffs and deputy sheriffs shall be made by the county clerk. If upon such presentment the respondent shall plead guilty, said court shall thereupon impose sentence, but if the respondent pleads not guilty, said court may, in its discretion, notify the town or city grand juror, city attorney or village attorney, who shall forthwith enter and prosecute such complaint and be allowed the fees provided by section 6249 of the Public Statutes, which shall be taxed against the respondent and paid into the proper treasury; and said court may in its discretion also notify the state's attorney of the county within which such misdemeanor is committed who may also enter and prosecute such complaint. For such complaint the sheriff, deputy sheriff, constable or police officer making the same shall receive no fee.

SEC. 3. In all cases where an arrest is made under a warrant issued upon the written complaint of a grand juror, city attorney or village attorney, the grand juror, city attorney or village attorney, shall be allowed the fees provided by section 6249 of the Public Statutes, which shall be taxed against the respondent and paid into the proper treasury, but in no case shall a grand juror receive more than five hundred dollars in fees in one year.

In the following named cities, the respective city councils shall designate one city grand juror who shall receive the salary stated opposite the name of each city, in lieu of all fees:

City of Burlington, five hundred dollars.

City of Rutland, five hundred dollars.

City of Barre, four hundred dollars.

City of Montpelier, four hundred dollars.

City of St. Albans, three hundred fifty dollars

The salary shall be paid by the state in the same manner as state's attorneys are paid. The city council of any city may suspend the salary of any city grand juror for cause and shall certify such suspension to the auditor of accounts.

SEC. 4. State's attorneys, grand jurors, city attorneys or village attorneys, may amend any complaint authorized to be made under this act whenever necessary.

SEC. 5. Section 5877 of the Public Statutes is hereby amended by striking out the words, "complaints for such offense shall be made by grand jurors and constables in their respective towns."

SEC. 6. Section 5181 of the Public Statutes is hereby amended by striking out the words, "he shall then bring him

before some justice of the county or a municipal, city or county court," and inserting in lieu thereof the words, "he shall then make presentment, as provided by law, against such person for the offense so committed, before the court having jurisdiction thereof, if the person making the arrest is an informing officer; if he is not an informing officer, he shall notify the grand juror, city attorney or village attorney having jurisdiction to make presentment for such offense, who shall thereupon make such presentment, as provided by law."

SEC. 7. Section 5188 of the Public Statutes is hereby amended by striking out in the last line thereof the words, "as in other cases," and inserting in lieu thereof the words, "as provided in section 6249 of the Public Statutes."

SEC. 8. Section 5185 of the Public Statutes is hereby amended by adding thereto the words, "and such grand juror shall in such case receive the fees provided in section 6249 of the Public Statutes for attendance and travel."

SEC. 9. Section 5959 of the Public Statutes is hereby amended by striking out the words, "complaints shall be made by the constable or grand jurors of the town."

SEC. 10. Section 5271 of the Public Statutes is hereby amended by adding thereto the words, "and the grand juror in such case shall receive the fees provided by section 6249 of the Public Statutes."

SEC. 11. Section 4518 of the Public Statutes is hereby amended by striking out the words, "and station agents, yard masters and other authorized officers shall arrest said minor and bring him before a justice in the town where the offense is committed, who shall have jurisdiction."

SEC. 12. The presentments for intoxication, breach of the peace and tramping, as provided for in this act, shall be in substance as follows:

State of Vermont,

County, ss.

#### INTOXICATION.

To the (name of court) comes sheriff,  
constable, police officer (as the case may be) and upon his oath of office makes complaint that  
of in the county of at  
on the day of 19  
*became and was found intoxicated*, contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the state.

Dated at in the county of  
this day of , A. D. 19

#### BREACH OF THE PEACE.

Same as intoxication to italics, then add: "did disturb and break the public peace by tumultuous and offensive carriage,



No. 290.—AN ACT TO AMEND NO. 249 OF THE ACTS OF 1908 ENTITLED "AN ACT TO AMEND THE CHARTER OF THE CITY OF RUTLAND."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 187 of No. 249 of the acts of 1908 is hereby amended so as to read as follows:

Section 187. The city council shall fill any vacancy on the board of school commissioners occasioned by death, resignation, removal from the city, or other disability.

SEC. 2. The board of aldermen shall fill any vacancy thereof occasioned by death, resignation, removal from the city, or other disability.

Approved January 4, 1911.

No. 291.—AN ACT TO AMEND NO. 249 OF THE ACTS OF 1908 ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF RUTLAND.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 233 of No. 249 of the acts of 1908 is hereby amended so as to read as follows:

Sec. 233. In civil cases tried before the city court, the city judge shall tax and receive the same fees now allowed by law to justices of the peace in like suits tried before them. In criminal cases before the city court, the city judge shall tax against the respondent the same fees taxed by justices against respondents in like prosecutions, which shall be paid by said judge into the proper treasury.

Approved January 27, 1911.

No. 292.—AN ACT TO AMEND SUBDIVISION (d) OF SECTION ONE OF NO. 252 OF THE ACTS OF 1908, ENTITLED "AN ACT AUTHORIZING THE CITY OF ST. ALBANS TO ISSUE BONDS FOR THE PURPOSES THEREIN NAMED AND REPEALING CERTAIN ACTS RELATING THERETO."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Subdivision (d) of section one of No. 252 of the acts of 1908 is hereby amended so as to read as follows:

(d) To an amount not exceeding thirty-five thousand dollars for the construction of new buildings, for reconstruction, repair and improvement of existing school buildings and for the acquisition of land and buildings for school purposes in said city, under the direction of its board of school commissioners and city council.

SEC. 2. The foregoing provisions of this act shall take effect if the same are accepted by a majority of the legal voters of said city present and voting at the annual meeting to be held on the first Tuesday of March, 1911, or at a special meeting duly warned for that purpose. The warning for the meeting at which such vote is to be had shall contain an appropriate article therefor.

SEC. 3. Section 2 of this act shall take effect from its passage.

Approved January 4, 1911.

No. 293.—AN ACT TO AMEND NO. 150 OF THE ACTS OF 1896, ENTITLED "AN ACT TO INCORPORATE A CITY AND A TOWN OF ST. ALBANS."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The first paragraph of section 7 of No. 150 of the acts of 1896 is hereby amended so as to read as follows:

Sec. 7. At the annual meeting the said corporation shall elect from among the legal voters of said city a mayor, a city clerk, six aldermen, one from each ward, who shall be a bona fide resident of and elected by the voters of the ward he represents, a city treasurer, three city grand jurors and an overseer of the poor, who shall hold office until the next annual meeting and until their successors are duly elected and qualified; also one lister and one auditor who shall hold office for three years and until their successors are duly elected and qualified. There shall also be elected petit and grand jurors for the county, who shall be nominated by the city council.

SEC. 2. Section 9 of No. 150 of the acts of 1896 is hereby amended so as to read as follows:

Sec. 9. The city council shall appoint and may remove at its pleasure and appoint others in their stead, the following officers, none of whom shall be members of the city council. A superintendent of streets and water-works, a city attorney, a constable, a board of fire wardens consisting of one chief and a first and second assistant engineer; and such other officers as are required by law.

SEC. 3. The first clause of section 25 of No. 150 of the acts of 1896 is hereby amended so as to read as follows:



No. 359.—AN ACT TO AMEND SECTION 8 OF NO. 148 OF THE ACTS OF 1900 INCORPORATING THE NEWPORT, HARDWICK AND MONTPELIER RAILROAD COMPANY AND EXTENDING ITS PROVISIONS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 8 of No. 148 of the acts of 1900 is hereby amended so as to read as follows:

Sec. 8. Said company shall not commence the construction of said railroad until twenty-five thousand dollars of its capital stock shall have been subscribed and at least twenty-five per cent of the same shall have been paid in, and it may continue to construct the same from time to time as may seem best; but, if said company does not, on or before January 1, 1916, commence the construction of its said road, and, on or before January 1, 1920, complete the same, this act shall be void except as to that portion then completed.

Approved December 10, 1910.

No. 360.—AN ACT TO AMEND SECTION 9 OF NO. 203 OF THE ACTS OF 1896 AS AMENDED BY SECTION 1 OF NO. 151 OF THE ACTS OF 1900, AND SEC. 1 OF NO. 325 OF THE ACTS OF 1906, RELATING TO THE RUTLAND AND MONTPELIER RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 9 of No. 203 of the acts of 1896, as amended by sec. 1 of No. 151 of the acts of 1900, and as amended by sec. 1 of No. 325 of the acts of 1906, is hereby amended so as to read as follows:

Section 9. If said company shall not, before the twentieth day of November, 1916, commence the construction of said road, and shall not before the twentieth day of November, 1921, finish the same, then this act shall be null and void.

SEC. 2. This act shall take effect from its passage.

Approved November 17, 1910.

No. 361.—AN ACT TO INCORPORATE THE SOUTHERN VERMONT RAILWAY COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Charles M. Hays, E. H. Fitzhugh, George C. Jones, E. C. Smith, Samuel E. Kilner, Ezra H. Baker, Albert

Tuttle and such other persons as may be associated with them, and their successors and assigns, are hereby constituted and created a body politic and corporate by the name of the "Southern Vermont Railway Company," for the purpose and with the right of constructing, maintaining and operating a railroad for public use in the conveyance of persons and property by the power of steam or otherwise, from some point in the town of Windsor, in the county of Windsor, on or near the railroad of the Central Vermont Railway Company, to some convenient point in the town of Brattleboro, in the county of Windham.

Said railroad may be extended from some point in said town of Windsor, through the town of Windsor, the towns of Weathersfield and Springfield in said county of Windsor, Rockingham, Westminster, Putney, Dummerston and Brattleboro, in said county of Windham, or through so many of said towns as shall be most advantageous, to some point in the town of Brattleboro.

Said corporation may, in its discretion, instead of following the route above described, construct its railroad from such point in the town of Windsor, through any towns in the counties of Windsor and Windham, to some convenient point on the New London Northern Railroad in the town of Brattleboro.

Said corporation shall have and enjoy the right of eminent domain, and shall have full power to connect with, sell or lease to, or consolidate with, or to acquire by purchase or lease, and to operate any other railroad within or without this state, and may lay out, construct and maintain a railroad with a single or double track on the route designated by its location as herein-after provided; may build, erect, and maintain suitable and convenient branches, buildings, stations, fixtures, machinery, side tracks and terminal facilities, and other appurtenances, for the accommodation of the passengers, freight and business of said railroad; may receive, take, hold, purchase, use and convey such real and personal estate as is necessary or proper in the judgment of such corporation, for the construction, maintenance and accommodation of such railroad as aforesaid, and its structures and appurtenances, and as the purposes of the said corporation may require; and by its corporate name shall have perpetual succession, may sue and be sued, plead and be impleaded, and appear, defend and prosecute to final judgment in any court; may have a common seal and alter the same at pleasure; and as such corporation shall have the powers, rights, privileges and franchises incident to railroad companies and other corporations.

SEC. 2. The said Southern Vermont Railway Company is hereby authorized to enter with its road upon and connect with and use the tracks of any other railroad corporation or corporations operated by steam power, and may run its passenger and freight trains over the same through the village of Bellows Falls, the points of connection and the terms to be agreed upon by said corporations, and if the corporations cannot agree upon the



amount of compensation to made therefor on the points and manner of such crossings, connections, and use, the same shall be determined by the public service commission on petition, service and hearing.

SEC. 3. The directors of said corporation may regulate the time and manner in which passengers and property shall be transported on said railroad, and establish the rates of toll therefor, subject to the provisions of the general law.

SEC. 4. The capital stock of said corporation shall be two million dollars, divided into shares of one hundred dollars each, and may be increased or diminished from time to time as the purpose of said corporation may require, by a majority vote of its capital stock outstanding. Capital stock issued by said corporation and paid for shall not be liable to assessment. Said capital stock may be purchased, held and voted by any person or corporation organized under the laws of this or any other state or country, and each share of stock shall entitle the holder to one vote in person or by proxy at all meetings of the corporation. George C. Jones, E. C. Smith and Albert Tuttle, or a majority thereof, shall be commissioners to receive subscriptions to the capital stock of said corporation at such time and place as they or such majority may select, and may themselves subscribe therefor. Said commissioners may require such portion of any subscription to be paid at the time of making the same as in their judgment may seem advisable. The incorporators mentioned in section 1 of this act shall have the first right to subscribe for said capital stock.

SEC. 5. The board of directors of said corporation shall consist of not less than seven nor more than thirteen persons, to be elected by stockholders, and to hold their office until their successors are duly elected and qualified. All such directors shall be stockholders of the corporation and a majority thereof shall be citizens and residents of the state of Vermont.

SEC. 6. Said commissioners or a majority thereof shall, as soon as one hundred shares of the capital stock shall have been subscribed, upon three days' notice to said subscribers, call a meeting thereof for the organization of said corporation; at the time and place appointed for said meeting the incorporators shall be the inspectors of the election of directors, and shall declare and certify who are elected. Thereupon the incorporators shall call a meeting of the directors, at which, a majority being present, the directors shall elect a president, clerk and treasurer, and such other officers and agents as they shall desire, and thereupon said corporation shall be deemed to be fully organized. The board of directors shall manage and control all the business, affairs and property of the corporation, shall make by-laws and shall have and exercise all the powers of said corporation.

After said corporation is organized all subscriptions to the capital stock and the issuing thereof shall be under the control of said board of directors.

SEC. 7. The corporation hereby created shall have the right to cross or connect with any railroad on its right-of-way, and, if said parties cannot agree as to the compensation therefor, or the manner thereof, the same shall be determined as provided by the general law.

SEC. 8. The directors may contract with any person, company or corporation for the construction of said railroad, its branches and appurtenances, and to supply equipment therefor, and may issue and deliver to any such person, company or corporation, all or any part of its entire capital stock as full-paid stock, and its bonds secured by mortgage to such an amount in such form and manner as they may deem proper in payment for the construction and equipment of said railroad. The corporation may secure the payment of all said bonds by mortgage or mortgages upon all of its railroads, franchises and other property, including after acquired property.

SEC. 9. If said corporation shall not within five years from the passage of this act commence the construction of its said road, and shall not within ten years complete the construction thereof, then this act shall be void, except as to such portion of said road as may at the time, be constructed. Any town, village or city in the counties of Windsor and Windham may aid in the construction of said railroad by subscribing to the capital stock of said corporation, or issuing bonds in aid of said corporation, or in such other manner as said towns, villages or cities shall direct. Such aid shall be given subject to the provisions of the general law, and as provided therein.

SEC. 10. The corporation hereby created shall enjoy all the powers, rights, privileges and franchises conferred upon or vested in railroad companies or corporations, and other corporations, by the general laws of this state, so far as the same are applicable and not inconsistent with the special provisions of this act. All acts and parts of acts, general or special, inconsistent with the provisions of this act, shall not be held applicable to the corporation hereby created.

SEC. 11. This act shall take effect from its passage, and shall be deemed and taken to be a public act, and shall be construed favorably and beneficially for all purposes for which the same is intended, and shall at all times be under the control of the legislature to amend or repeal as the public good may require.

Approved January 28, 1911.



No. 396.—AN ACT TO ENABLE THE WALTER HARVEY CEMETERY ASSOCIATION OF BARNET, VT., TO ENLARGE THE CEMETERY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Walter Harvey Cemetery Association of Barnet, Vt., is hereby granted the right to extend the bounds of its cemetery to within twelve rods of a dwelling house and to make burials in any part of the same.

SEC. 2. This act shall take effect from its passage.

Approved November 17, 1910.

No. 397.—AN ACT RELATING TO THE OLD WEST STREET CEMETERY IN THE CITY OF RUTLAND.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Henry O. Carpenter, mayor of the city of Rutland, Newman K. Chaffee, representative to the general assembly from the city of Rutland, Henry A. Harman, county clerk, Dr. Charles S. Caverly of the city of Rutland, president of the state board of health, Dr. C. A. Ball, the health officer of the city of Rutland, and Egbert C. Tuttle of city of Rutland are hereby constituted a commission to consider the feasibility and advisability of removing the remains of the bodies of persons buried in the the Old West Street Cemetery, so called, on the north side of West street in the city of Rutland, together with the headstones, monuments, markers, and other memorial erections, to some other cemetery or suitable place, as hereinafter provided.

SEC. 2. Said commission shall continue in existence till discontinued by the act of the legislature, and shall, on or before the first day of March, 1911, organize by the appointment of a president and secretary, and shall keep a record of all its proceedings, which shall from time to time be deposited with the city clerk for preservation and reference.

SEC. 3. Within one month after organization, the commission shall give notice to each and every person interested in said cemetery or in any lot therein of a time and place when they will hear the parties to determine whether the public health and the interests of the city require that the remains of the bodies of persons buried in said Old West Street Cemetery, ought to be removed and buried elsewhere. Said notice shall be published in one or more newspapers published in the city

of Rutland once a week for at least two successive weeks, and if said commission shall so decide, they may receive donations, gifts, pledges and appropriations from the city government or otherwise for the payment of expenses to be incurred under this act, including the expense of purchasing another suitable burial plot, unless one shall be donated; also for removing the remains of bodies, the removal of headstones, monuments, markers, and other memorial erections, and for setting them up elsewhere; and when sufficient sum or sums, in the judgment of the commission, shall have been donated, given or pledged, or provided by the city government or otherwise, a time shall be fixed by the commission, which shall not be less than twelve months, within which the friends and relatives may voluntarily remove the remains of the bodies of the persons buried therein and re-inter them elsewhere, and remove the headstones, markers, monuments, and other memorial erections and set them up elsewhere. Notice of such decision and of the time fixed shall forthwith be published for three weeks in one or more of the weekly papers published in the city of Rutland, and written or printed notice shall also forthwith be sent by mail to the last known address of one or more relatives of the persons buried in said Old West Street Cemetery. This act shall be authority and be construed as a permit for the removal of the bodies interred in said Old West Street Cemetery.

SEC. 4. In case of neglect on the part of the relatives to remove and re-inter such remains and to remove such headstones, monuments, markers and other memorial erections, said commission is hereby authorized and empowered to cause the remains of such persons as are buried in said cemetery and not removed by relatives to be disinterred and re-interred in some other cemetery or in some other place to be purchased by or approved by said commission; but, in case bodies shall have been interred fifteen or more years, said commission, if they so determine, may leave such remains in the old cemetery, also such others as the relatives or friends wish left undisturbed, but all headstones, monuments, markers, and other memorial erections belonging to persons re-interred, except as otherwise provided herein, shall be removed and properly set up in some other suitable place to be determined by said commission, but the remains and monument or grave stone of Vermont's former governor and chief justice of the supreme court, Honorable Israel Smith, may be left in the discretion of the said commission in the plot it now occupies, providing it is kept from desecration, or the same may be moved to a suitable plot in Evergreen Cemetery provided for it by purchase or gift.

SEC. 5. After the remains of such bodies and the headstones, monuments, markers, and other memorial erections shall be moved as hereinbefore provided and the title to the old cemetery premises acquired, as hereinafter provided for, the commis-



sion shall cause the ground to be properly leveled and used for the public needs or used for a public park and play ground for the city of Rutland, and it shall be under the charge and control of the said commission, subject to the approval of the city council of the city of Rutland.

SEC. 6. No action involving expense shall be taken by said commission other than organizing until all expenses incurred or to be incurred by the commission in pursuance of the powers conferred upon it by this act, shall have been provided for by satisfactory provisions of the city council or by donations, gifts or pledges, or until other lots of equal size are provided in the substitute burial lot. In case conveyance of any interest of any owner in the land cannot be voluntarily obtained, or if the owner is not known, said commission may proceed after two weeks' notice to the last known address of any person or persons owning any interest in the burial lots in said cemetery, and upon deeding an equal sized lot in the substitute burial plot to all owners of lots in the old cemetery, the title to said property shall be transferred to the city of Rutland, and in case of refusal to accept the burial lot provided, a deed of a lot of equal size in the substitute burial lot shall be put on record and the deed shall be left in the hands of the clerk of the city of Rutland to hold till called for.

SEC. 7. The title to all land purchased, donated or condemned under the provisions of this act shall be taken in the name of the city of Rutland, and if any right, title, interest or estate in or to the said West Street Cemetery, or any part thereof shall not be acquired as herein otherwise provided, the said city may acquire the same in the manner provided by law for the condemning of land taken in said city for public highways with all rights of appeal to the courts as by law provided in such cases.

SEC. 8. The commission shall have power to accept a deed of suitable land in the city of Rutland wherein to re-inter the bodies so removed from the old cemetery and erect the headstones, monuments, markers and other memorial erections, and thereafter such land shall be considered one of the cemeteries of the city of Rutland, and shall be under the control of the said cemetery commissions.

SEC. 9. Vacancies on the commission caused by death or otherwise shall be filled by the said commission.

SEC. 10. The city council of the city of Rutland is authorized to appropriate from time to time, such sum or sums of money to carry out the provisions of this act, as in its judgment, seems best for the needs of the city.

SEC. 11. Every person owning a burial lot or having a burial permit in said West Street Cemetery, who shall accept a lot of equal size in the newly acquired substitute burial grounds, or who for six months from the time of the last

publication of said notice of decision, as mentioned in section 3, shall fail so to accept or who shall fail to notify said commission in writing of a refusal so to accept and all relatives of persons buried in said cemetery, who have similar provisions made for them in the new burial lot shall have no claim against the commission or the city of Rutland for the land surrendered, and no more interments shall be made in said old West Street Cemetery.

SEC. 12. A suitable monument may be erected by said commission in said West Street Cemetery lot or substitute to "the unknown dead" therein, whose graves have been obliterated by time, from not being marked by grave stones, or other evidences of burial, shall be considered as paying proper respect to their memory; the said commission or the city of Rutland, when the commission ceases to exist, is authorized to hold the said cemetery land with all the rights of the former owners, and see that it is not closed to the public, and the land shall become the property of the city to be held for the purposes of this act.

SEC. 13. This act shall take effect from its passage.

Approved January 17, 1911.

NO. 398.—AN ACT TO AMEND SECTIONS 3 AND 7 AND SUBDIVISIONS 1 AND 2 OF SECTION 10 AND REPEALING SECTION 12 OF NO. 294 OF THE ACTS OF 1904, RELATING TO THE BAXTER TRUST COMPANY AND EXTENDING ITS PROVISIONS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 3 of No. 294 of the acts of 1904 is hereby amended so as to read as follows:

Sec. 3. Walter R. Kinsman, Wallace W. Nichols, Egbert C. Tuttle, E. E. Keyes and John A. Mead, or a majority of them, are appointed commissioners to receive subscription for shares in the capital stock of said corporation and shall open books for that purpose at the city of Rutland within two years after the passage of this act, and such books shall remain open from 10 o'clock a. m. until 4 o'clock p. m. for five successive days or until the entire capital stock is subscribed for, and the subscribers shall at the time of subscribing deposit with said commissioners ten dollars (\$10.00) for each share by them subscribed for. Such notice thereof shall be given as said commissioners shall deem necessary. The commissioners shall in case more than the whole amount is subscribed for, allot and distribute the same among the subscribers in such manner as they may deem best for the interest of said corporation, and



said corporation shall elect its directors and complete its organization within six months from the time said subscription books are opened. If there shall be any increase in the capital stock as herein provided, the then shareholders shall be entitled to share in such increase pro rata according to the amount of stock held by them respectively by paying therefor as the board of directors may determine.

SEC. 2. Section 7 of No. 294 of the acts of 1904 is hereby amended by striking out the words "by not less than seven nor more than fifteen" in the second line from the top thereof, and by inserting in lieu thereof the words, "by not less than five nor more than nine."

SEC. 3. Subdivision 1 and 2 of section 10 of No. 294, acts of 1904, are hereby amended so as to read as follows:

1. To receive moneys or other property on deposit or in trust at such rate of interest or on such terms as may be agreed upon, the rate of interest to be allowed for deposits of money not to exceed the legal rate.

2. To act as trustee, executor, administrator, guardian, endorser or surety and to accept and execute all trusts of every description and not inconsistent with the laws of this state as may be committed to it by any person or persons whomsoever or by any corporation or by any order of the supreme court, a superior judge or chancellor, probate court or other court of record in this state.

SEC. 4. Section 12 of No. 294 of the acts of 1904 is hereby repealed.

SEC. 5. This act shall take effect from its passage.

Approved January 17, 1911.

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No. 399.—AN ACT TO AMEND SEC. 15 OF NO. 382 ACTS OF 1906, AS AMENDED BY NO. 355 ACTS OF 1908, RELATING TO THE CHARTER OF BRANDON SAVINGS BANK AND TRUST COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 15 of No. 382 of the acts of 1906, as amended by No. 355 acts of 1908, is hereby amended so as to read as follows:

Sec. 15. Said corporation shall organize within six years from the passage of this act.

SEC. 2. This act shall take effect from its passage.

Approved December 6, 1910.



7. To purchase and sell stocks, bonds, mortgages and other evidences of indebtedness.

SEC. 11. The directors of said corporation may make, alter or amend such by-laws and regulations as they may deem necessary and proper.

SEC. 12. The corporation shall be allowed as compensation for the care of trust property, the investment and collection of the same, and for other services rendered in the execution of each trust, such sum as shall be agreed upon; and in the absence of any agreement, such compensation as is fixed by the by-laws or regulations of said corporation in force at the time such trust is created.

SEC. 13. No director, officer or employe of said corporation shall be at any one time, directly or indirectly indebted to said corporation for more than five per cent part of the capital stock actually paid in, and no loan shall be made to such director, officer or employe of said corporation without the written consent of a majority of the directors; provided that the discount of bona fide bills of exchange drawn against actually existing values, and the discount of business and commercial paper, actually owned by such director, officer or employe negotiating the same, shall not be considered as money borrowed; but no loan or discount of such commercial or business paper of any individual, firm or corporation shall exceed the sum of ten thousand dollars, nor shall any loan be made by such corporation upon a pledge of its own stock.

SEC. 14. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment; and no dividends shall be made or declared upon the capital stock of said corporation until the same are actually earned and realized over and above all losses and expenses.

SEC. 15. This corporation shall be subject to the provisions of law applicable to trust companies, and shall also be subject to all general laws which may be hereafter enacted in relation to trust companies.

SEC. 16. This act shall take effect from its passage.  
Approved January 27, 1911.

No. 403.—AN ACT TO AMEND SECTIONS 1 AND 3 OF NO. 393 OF THE ACTS OF 1906 AS AMENDED BY SECTIONS 1 AND 3 OF NO. 359 OF THE ACTS OF 1908, RELATING TO THE CHARTER OF THE QUARRY SAVINGS BANK AND TRUST COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 1 of No. 393 of the acts of 1906, as amended by section 1 of No. 359 of the acts of 1908 is hereby

amended by adding at the end of such section, after the word "Barre," the following words: "or the city of Barre."

SEC. 2. Section 3 of No. 393 of the acts of 1906, as amended by section 3 of No. 359 of the acts of 1908 is hereby amended by striking out the words "John E. Smith" in the first line.

SEC. 3. This act shall take effect from its passage.  
Approved January 27, 1911.

No. 404.—AN ACT TO AMEND NO. 302 OF THE ACTS OF 1904, ENTITLED "AN ACT TO INCORPORATE THE RUTLAND COUNTY TRUST COMPANY", AS AMENDED BY NO. 396 OF THE ACTS OF 1906 AND NO. 360 OF THE ACTS OF 1908, EXTENDING THE PROVISIONS OF THE SAME.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The provisions of No. 302 of the acts of 1904, entitled, "An act to incorporate the Rutland County Trust Company," as amended by No. 396 of the acts of 1906 and No. 360 of the acts of 1908, are hereby extended for two years from December 7, 1910.

SEC. 2. This act shall take effect from its passage.  
Approved November 7, 1910.

No. 405.—AN ACT TO INCORPORATE THE SPRINGFIELD TRUST COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The subscribers to the capital stock of the corporation hereby established, and their successors and assigns are constituted a corporation and body politic, by the name of the Springfield Trust Company, and by that name may sue and be sued, have a common seal and the same may alter at pleasure, have and enjoy all the privileges incident to corporations and be established in Springfield village, in the county of Windsor.

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same from time to time to an amount not exceeding one hundred thousand dollars by a vote of the majority of the whole capital stock at a meeting of the stockholders called for that purpose, and shall be divided into shares of the par value of fifty dollars



each, to be paid in at such times and in such manner as the board of directors may determine.

SEC. 3. William H. H. Slack, William Smith, Fred G. Field, Frank Abbott, John T. Slack, F. L. Preston, R. S. Her-  
rick, Justus Dartt and E. W. Olney, all of Springfield, and  
Charles F. Aldrich of Weathersfield, or a majority of them,  
are appointed commissioners for receiving subscriptions for  
shares in the capital stock of said corporation and they shall  
open books for that purpose at Springfield village within two  
years after the passage of this act, notice of which opening shall  
be published in a newspaper printed in Windsor county three  
weeks in succession, the last of which shall not be more than  
two weeks previous to the day fixed by the commissioners, and  
said notice shall be signed by a majority of said commissioners.  
The said commissioners shall be sworn to a faithful performance  
of their duties, and such books shall continue open from ten  
o'clock A. M. till four o'clock P. M. each day for the space of  
five days, Sundays excepted, and thereafter until five hundred  
shares shall be subscribed for, and the subscribers shall at the  
time of subscribing deposit with the commissioners ten dollars  
on each share by them subscribed for. The commissioners, in  
case that more than the whole amount of the capital stock is  
subscribed for, shall allot and distribute the same among the  
subscribers in such manner as they deem most for the interest  
of all concerned; and if there shall be an increase in the capital  
stock of said corporation as herein provided, the said increase  
shall be divided among the then stockholders pro rata if they  
will accept the same, and in case the whole of such increase is  
not then distributed the surplus may be divided among the then  
stockholders of said corporation, who will receive and pay for  
the same in proportion to the amount of stock held by them,  
or in such other manner as the board of trustees shall determine.

SEC. 4. Said commissioners shall, upon the whole amount  
of stock being subscribed for, or as soon after as they shall  
think proper, not exceeding sixty days, call a meeting of the  
stockholders of said corporation at such place in Springfield  
village as they shall think proper, by publishing a notice thereof  
signed by a majority of them, in a weekly newspaper printed  
in Windsor county three weeks successively previous to such  
meeting, for the purpose of electing directors of said corpora-  
tion; and said commissioners shall deliver to said directors when  
elected, and within ten days after they shall enter upon the  
duties of their office, a list of all the names of persons entitled  
to shares in said corporation, and the number of shares to which  
each is entitled, and the sum by each deposited with them, and  
also the moneys received by them on deposit on said shares;  
which list the said directors shall cause to be recorded in the  
books of said corporation and thereupon issue certificates to  
such subscribers for their stock.

SEC. 5. Each share of stock shall entitle its holder to one  
vote at all meetings of the stockholders, who may vote in person  
or by proxy duly authorized in writing.

SEC. 6. The corporation shall not commence business until  
at least fifty per cent of the whole capital stock shall have been  
paid into said corporation. After the shares shall have been dis-  
tributed and allotted, each stockholder shall pay the whole  
amount remaining due on shares so held by him, at such time  
or times as the board of directors shall appoint, of which time  
at least ten days' notice shall be given to each subscriber by  
mail and by publishing the same in some newspaper published  
in Windsor county, and the shares of each stockholder omitting  
to make such payment shall be forfeited together with all pre-  
vious payments made thereon, provided that the whole of said  
capital stock shall be actually paid in within ten years from the  
date of the organization of the corporation.

SEC. 7. The business of said corporation shall be man-  
aged by not less than five nor more than nine directors, a  
majority of whom shall constitute a quorum for the transaction  
of business, who shall be stockholders in said corporation each  
to the amount of at least one thousand dollars, and shall be  
inhabitants of this state. Such directors shall be elected annu-  
ally at such time and place as the by-laws of such corpora-  
tion shall provide, and shall, except those first elected who shall  
hold until their successors are elected and qualified, hold their  
offices for one year from the time of their election and until  
their successors are elected and qualified. Public notice of each  
meeting of the stockholders of this corporation for the election  
of said directors, shall be given by publication in a newspaper  
printed in Windsor county, at least two weeks successively next  
preceeding such election; all such elections shall be by ballot of  
the stockholders of said corporation who shall be present at said  
meeting in person or by proxy, and the several persons who shall  
receive the greatest number of votes at such election shall be  
directors; and if any two or more persons shall receive an equal  
number of votes, so that more than the required number of per-  
sons shall by a plurality of votes appear to be elected, the stock-  
holders shall proceed to ballot a second time, and by a plurality  
of votes determine which of such persons, so having an equal  
number of votes shall be directors; and in case any vacancy hap-  
pens by death, resignation or otherwise, the vacancy shall be  
filled from among the stockholders by a majority of the remain-  
ing directors. After their election the directors shall elect from  
among their number a president and vice-president.

SEC. 8. If the election of directors shall not be made on  
the day herein prescribed, said corporation shall not thereby  
be dissolved, but a meeting for the election of directors may be  
held on any day under such regulations as shall be prescribed  
by the by-laws of said corporation.



SEC. 9. The shares of said corporation shall be transferred only in such manner and under such regulations as shall be prescribed by the by-laws of the corporation; provided that no transfer shall be valid until recorded by the treasurer, or, in his absence, by one of the directors, in a book kept for that purpose.

SEC. 10. The corporation hereby created shall also have power:

1. To receive moneys on deposit or in trust, at such rate of interest or on such terms as may be agreed upon, the rate of interest to be allowed for deposits not exceeding the legal rate.

2. To accept and execute all such trusts of every description, and not inconsistent with the laws of this state, as may be committed to it by any person or persons whomsoever, or by any corporation, or by the order of any court of record in this state.

3. To take and accept by grant, assignment, transfer, devise or bequest, and hold, any real or personal estate, on trusts created in accordance with the laws of this state, and execute such legal trusts on such terms as may be declared, established, or agreed upon, and in case no terms are declared, established or agreed upon, then the trust property is only to be invested as provided by the terms of this act.

4. To accept deposits where public officers or municipal or private corporations are authorized or required by law to deposit money in a bank; and such deposit may be made by such officers or corporations with the said Springfield Trust Company.

5. To issue letters of credit upon such terms as may be agreed upon by the directors.

6. To act as agent for the purpose of issuing, registering or countersigning the certificates of stock, or other evidence of a debt of any corporation, association, municipality, state or public authority, and for collection of interests or dividends on the same, on such terms as may be agreed upon.

7. To purchase and sell stock, bonds, mortgages and other evidences of indebtedness.

SEC. 11. The directors of said corporation may make such by-laws and regulations as they may deem necessary and proper, not inconsistent with this act, or the laws of this state.

SEC. 12. Said corporation shall organize within two years from the passage of this act.

SEC. 13. Said corporation shall be allowed as compensation for the care of trust property, the investment and collection of the same, and for other services rendered in the execution of such trust, such sums as shall be agreed upon; and in the absence of any agreement such compensation as is fixed by the by-laws or regulations of said corporation in force at the time such trust is executed.

SEC. 14. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment; and no dividends shall be made or declared upon the capital stock of said corporation until the same are actually earned and realized over and above all losses and expenses.

SEC. 15. This corporation shall, except as herein provided, be subject to all the provisions of law applicable to trust companies, and also to all general laws which may hereafter be enacted in relation to trust companies, and the general assembly may at any time hereafter modify or repeal this act or any part thereof.

SEC. 16. This act shall take effect from its passage.

Approved January 27, 1911.

#### No. 406.—AN ACT TO INCORPORATE THE WATERBURY SAVINGS BANK AND TRUST COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The subscribers to the capital stock of the corporation hereby established and their successors and assigns are constituted a corporation and body politic, by the name of the Waterbury Savings Bank and Trust Company; and by that name may sue and be sued; may have a common seal and the same may alter at pleasure; may purchase and hold real and personal estate for its own use and such real and personal estate as may be received in the collection of debts, and may sell and convey the same and shall have and enjoy all the privileges incident to corporations; and said Savings Bank and Trust Company shall be established in the town of Waterbury in the county of Washington.

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same from time to time to an amount not exceeding two hundred thousand dollars, by a vote of a majority of the whole capital stock at a meeting of stockholders called for that purpose and shall be divided into shares of the par value of fifty dollars each, to be paid in at such time and in such manner as the board of directors may provide.

SEC. 3. William P. Dillingham, Charles C. Graves, W. B. Clark, J. F. Shipman, George W. Morse, H. C. Whitehill, J. F. Somerville, W. J. Boyce, J. W. Moody of Waterbury, Vermont, C. L. McMahon of Stowe, Vermont, W. E. Jones of Waitsfield, Vermont, Frank Gillett of Richmond, Vermont, are appointed commissioners for receiving subscriptions for shares in the



the dividends upon the preferred stock of "E. & T. Fairbanks and Company, Limited," a corporation now incorporated under the laws of the Dominion of Canada, to an amount not exceeding the dividends on three hundred thousand dollars (\$300,000.00) of the preferred stock of the Canadian Company, and to guarantee the principal and interest of the bonds of said Canadian Company to an amount not exceeding three hundred thousand dollars (\$300,000.00) and all such guarantees, when properly executed as contracts thereof, authorized by vote of the stockholders of this corporation, at a meeting of the stockholders duly called and held for that purpose, shall be binding obligations upon this corporation. All of the bonds and dividends on the preferred stock of the said Canadian company, heretofore guaranteed by this corporation under the authority of No. 419 of the acts of 1906, and now outstanding, are hereby declared to be the legal and valid contracts, obligations and undertakings of this corporation according to the tenor thereof.

SEC. 2. This act shall take effect from its passage.

Approved December 3, 1910.

No. 417.—AN ACT TO AMEND NO. 157 OF THE ACTS OF 1886 ENTITLED "AN ACT TO INCORPORATE THE HOWE SCALE COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 2 of the act to incorporate the Howe Scale Company of 1886 approved November 24, 1886, is hereby amended so as to read as follows:

Section 2. Said corporation shall be located at Rutland in the county of Rutland, where its principal office shall be kept and its corporation meetings held. It may be a partner unite with other partners in the United States and in foreign countries for the purpose of establishing and maintaining manufacturing and selling agencies, or branch houses, for the carrying on of the business of said corporation, upon such terms as shall be agreed on by the directors; and with the consent of eighty-five per cent in value and a majority in number of its stockholders voting in person or by proxy at a meeting called for the purpose, may lease, upon terms to be agreed upon by its directors, its entire plant, property and appurtenances, and the right to the use of its name, together with all its franchises, rights and privileges, which may be, or become necessary to the enjoyment of any rights and privileges so granted, demised or leased.

SEC. 2. This act shall take effect from its passage.

January 20, 1911.

I hereby certify that the foregoing act became a law without the approval of the governor, it not having been returned by him to the house in which it originated within five days after it was presented to him.

GUY W. BAILEY,

Secretary of State.

No. 418.—AN ACT GRANTING CERTAIN POWERS TO THE ARLINGTON WATER COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Arlington Water Company, a corporation already created, organized, existing and doing business under and by virtue of the laws of the state of Vermont, is hereby authorized and empowered to purchase any existing reservoir or aqueduct with its appurtenances in the towns of Arlington and Sunderland in the county of Bennington, and to take by purchase or otherwise the waters of any ponds, springs, brooks or streams within said towns and any water rights connected therewith and all lands, rights of ways and easements in said towns necessary to gather, hold and preserve such water and to convey and distribute the same to any part or parts of said towns of Arlington and Sunderland and may erect proper dams and other structures on or in land acquired and construct, lay, maintain and repair pipes, conduits and other works, under, through and over any lands, watercourses, railroads, public or private ways necessary for said purposes, but in such manner as shall cause as little inconvenience to the public as may be; provided also that said corporation shall not take water or a supply to deprive an owner of water necessary for his domestic and agricultural uses without such owner's consent.

SEC. 2. If it becomes necessary for the purpose aforesaid to take land or water of any person or corporation or to construct its pipes and conduits or reservoirs upon or across such lands or waters and said corporation cannot agree with the owner or owners thereof as to the necessity of so doing and the damages therefor the said Arlington Water Company may upon application to a judge of the supreme court who shall thereupon appoint two disinterested commissioners to determine the necessity thereof and the damages which the owner or owners shall sustain by the taking of their lands or waters or by the construction and maintenance upon or across the same of said pipes, conduits or reservoirs for the purposes aforesaid and thereupon the same proceedings shall be had as are provided for the appraisal of



That a copy thereof signed by the governor, lieutenant governor and speaker of the house of representatives be delivered to Mr. Battell.

FRANK E. HOWE,  
Speaker of the House of Representatives.

LEIGHTON P. SLACK,  
President of the Senate.

Approved January 27, 1911.

JOHN A. MEAD,  
Governor.

No. 522.—JOINT RESOLUTION EXTENDING A VOTE OF THANKS TO THE HON. MARSHALL J. HAPGOOD.

*Resolved by the Senate and House of Representatives:*

That, whereas the Hon. Marshall J. Hapgood of Peru has donated an extensive tract of land to the state of Vermont to be used for a public park forever,

*Be it therefore resolved*, that the thanks of the people of Vermont, through their representatives here assembled, be extended to Mr. Hapgood for his generosity and public spirit as manifested by this munificent gift.

That a copy of this resolution be spread upon the records of the general assembly; and

That a copy thereof signed by the governor, lieutenant-governor and the speaker of the house of representatives be delivered to Mr. Hapgood.

FRANK E. HOWE,  
Speaker of the House of Representatives.

LEIGHTON P. SLACK,  
President of the Senate.

Approved January 28, 1911.

JOHN A. MEAD,  
Governor.

No. 523.—JOINT RESOLUTION RELATING TO THE BRISTOL RAILROAD.

*Resolved by the Senate and House of Representatives:*

That, the attorney general and the state's attorney for the county of Addison be and hereby are directed to bring proceedings before the public service commission for an inquiry and

investigation into the rates for freight and passenger transportation upon said Bristol Railroad.

LEIGHTON P. SLACK,  
President of the Senate.

FRANK E. HOWE,  
Speaker of the House of Representatives.

Approved January 4, 1911.

JOHN A. MEAD,  
Governor.

No. 524.—JOINT RESOLUTION RELATING TO AN INVESTIGATION OF THE RATES OF TRANSPORTATION OF THE MONTPELIER AND WELLS RIVER RAILROAD.

*Resolved by the Senate and House of Representatives:*

That the attorney general be, and he is hereby instructed to take proper proceedings before the public service commission, or otherwise, to cause an investigation of the rates of transportation now being charged by the Montpelier and Wells River Railroad Company, with a view to determining whether such rates are excessive.

LEIGHTON P. SLACK,  
President of the Senate.

FRANK E. HOWE,  
Speaker of the House of Representatives.

Approved December 7, 1910.

JOHN A. MEAD,  
Governor.

No. 525.—JOINT RESOLUTION RELATING TO AN INVESTIGATION OF THE RATES OF TRANSPORTATION OF THE RUTLAND RAILROAD.

*Resolved by the Senate and House of Representatives:*

That, the attorney general be, and is hereby instructed to take proper proceedings before the public service commission, or otherwise, to cause an investigation of the rates of transpor-

tation now being charged by the Rutland Railroad owned and operated by the New York Central Railroad Company, with a view to determining whether such rates are excessive.

LEIGHTON P. SLACK,  
President of the Senate.

FRANK E. HOWE,  
Speaker of the House of Representatives.

Approved January 26, 1911.

JOHN A. MEAD,  
Governor.

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No. 526.—JOINT RESOLUTION RELATING TO ADJOURNMENT.

*Resolved by the Senate and House of Representatives:*

That when the two houses adjourn this morning it be to meet Tuesday morning, Oct. 11th, 1910, at 10 o'clock a. m.

FRANK E. HOWE,  
Speaker of the House of Representatives.

LEIGHTON P. SLACK,  
President of the Senate.

Approved October 7, 1910.

JOHN A. MEAD,  
Governor.

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No. 527.—JOINT RESOLUTION RELATING TO ADJOURNMENT.

*Resolved by the Senate and House of Representatives:*

That when the two houses adjourn this afternoon, it be to meet again on Tuesday next at ten o'clock in the forenoon.

FRANK E. HOWE,  
Speaker of the House of Representatives.

LEIGHTON P. SLACK,  
President of the Senate.

Approved October 14, 1910.

JOHN A. MEAD,  
Governor.



*W. O. Webb*

# ACTS and RESOLVES

Passed by the

## GENERAL ASSEMBLY

of the

## STATE OF VERMONT

at the

### Twenty-second Biennial Session

### 1912

Session Commenced Oct. 2, 1912, Adjourned February 22, 1913



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office until the expiration of their current terms of office, unless such office shall sooner become vacant under the provisions of the general laws of this state, or the provisions of said acts or this act.

SEC. 129. The provisions of this act, so far as they are the same as those of acts hereby amended, shall be construed as a continuation of such acts, and not as new enactments.

SEC. 130. Except when changed or modified by the provisions of this act, or by any legal regulation or ordinance of said city, all provisions of the statutes of this state, relating to towns and town officers shall apply to said city, and to the several officers thereof corresponding to like officers of towns.

In such statutes the words "selectmen" and the "board of civil authority" shall include "city council", and the words "first selectman" shall include "mayor".

SEC. 131. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 132. This act shall be a public act and may be altered, amended or repealed by the general assembly whenever the public good shall require.

SEC. 133. This act shall be designated as the charter of the city of Montpelier, and shall take effect from its passage.

Approved February 19, 1913.

No. 294.—AN ACT TO AUTHORIZE THE CITY OF MONTPELIER TO EXEMPT FROM TAXATION A NEW OPERA HOUSE OR THEATRE BUILDING.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The city of Montpelier may, at a meeting duly warned and held and in the warning for which appears an article relating to the provisions of this act, by vote exempt from taxation a new opera house or theatre building, for such period of time and subject to such conditions as shall be determined at such meeting.

SEC. 2. This act shall take effect from its passage.

Approved February 21, 1913.

No. 295.—AN ACT TO AMEND THE CHARTER OF THE CITY OF RUTLAND.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 55 of No. 249 of the acts of 1908 is hereby amended so as to read as follows:

Sec. 55. For the purpose of establishing, increasing, maintaining and repairing reservoirs, pipe lines and other necessary apparatus for, and in connection with its water supply, and for the protection and preservation of the same, the city may take lands within or without its corporate limits in the same manner, and in accordance with and subject to the same rules, regulations and procedure, as railroad corporations are authorized to proceed in taking lands for railroad purposes; and the city council shall act for the city in respect thereto in the same manner as directors are authorized to act in that behalf; and, in performing all acts of business in connection therewith, the mayor shall vote as other members of the city council.

SEC. 2. Section 56 of said act is hereby repealed.

SEC. 3. This act shall take effect from its passage.

Approved November 15, 1912.

No. 296.—AN ACT TO AUTHORIZE THE CITY OF RUTLAND TO APPROPRIATE MONEY FOR STREET CARNIVALS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The city of Rutland may, annually, at a legal meeting of the voters thereof, when an article for such purpose has been duly inserted in the warning therefor, authorize the city council to appropriate a sum of money not exceeding one percent of the grand list of said city, to be used for the expenses of a street carnival.

SEC. 2. This act shall take effect from its passage.

Approved November 16, 1912.

No. 297.—AN ACT TO AMEND CERTAIN SECTIONS OF NO. 150 OF THE ACTS OF 1896, ENTITLED "AN ACT TO INCORPORATE A CITY AND A TOWN OF ST. ALBANS."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 8 of No. 150 of the acts of 1896 is hereby amended so as to read as follows:

SEC. 8. The administration of all fiscal, prudential and municipal affairs of said city, and the government thereof, shall



No. 371—AN ACT TO AMEND THE CHARTER OF THE NEWPORT ELECTRIC LIGHT COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The charter of the Newport Electric Light Company, now associated under the general corporation laws of this state, and whose articles of association were filed with the secretary of state June 20, 1891, is hereby amended by adding thereto the following:

"If in the prosecution of the business of this company it becomes necessary to take the land or water rights of or on Clyde River in the town of Derby of any person or corporation, or to flow water onto the land or property of any other person or corporation, or to erect and maintain transmission lines, towers or conduits on the land of any other person or corporation, and this corporation cannot agree with the owner thereof as to the necessity for so doing and as to the compensation or damage to be paid therefor, this corporation may make application to two judges of the supreme court, who shall thereupon appoint two disinterested commissioners to determine the necessity thereof, and the damages which the said owner or owners or occupants thereof will sustain by the taking of such land, rights or privileges, or by the flowage thereof, or by the erection and maintenance of poles, towers, conduits or wires thereon for the purposes aforesaid; and thereupon the same proceedings shall be had as provided for the taking of land and the appraisal of damages in the case of a railroad corporation taking the land or property for the construction, maintenance and accommodation of its road in chapter 191 of the Public Statutes, with all the rights of appeal therein provided, and upon payment or tender of the compensation for damages and costs so ascertained and determined, this corporation may proceed to take such lands or flow water upon or otherwise damage said land, or to erect and maintain conduits, towers, poles or wires thereon, as in such proceedings is determined to be necessary.

If before the termination of such proceedings it becomes necessary to take, occupy or flow water upon or otherwise damage or use any land for the above purposes, any judge of the supreme court may authorize such taking, use, occupation and flowing upon payment or tender of the damages sustained by the owner or owners thereof, until the proceedings for the taking thereof shall be terminated, on requiring a bond to cover any damage which may be done by said corporation. The amount of such bond shall be fixed by the judge.

Nothing in this act shall be construed as giving this corporation the right to take any spring of water used for farm or domestic purposes."

SEC. 2. This act shall be within the control of the legislature at any time to amend or repeal as the public good may require.

SEC. 3. This act shall take effect from its passage.

Approved February 15, 1913.

No. 372.—AN ACT TO AMEND SECTION 6 OF NO. 304 OF THE ACTS OF 1908, ENTITLED "AN ACT TO AMEND AN ACT RELATING TO THE RUTLAND RAILWAY, LIGHT AND POWER COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 6 of No. 304 of the acts of 1908, entitled "An act to amend an act relating to the Rutland Railway, Light and Power Company", is hereby amended so as to read as follows:

Sec. 6. Nothing in this act shall be construed to authorize or permit the Rutland Railway, Light and Power Company, or any of its successors to take any lands, streams, water rights or other properties of any person or corporation engaged in producing, transmitting or supplying heat, light or electric power; nor shall anything in this act be construed as authorizing said corporation to take, except by gift or purchase, any undeveloped water power except in the towns of Chittenden and Rutland and in the watershed of East Creek and its tributaries in the town of Mendon.

SEC. 2. This act shall take effect from its passage.

Approved February 14, 1913.

No. 373—AN ACT TO INCORPORATE THE SOUTHERN VERMONT LIGHT AND POWER COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Emory S. Harris, William H. Bradford, Irving E. Gibson, Jacob J. Shakshober and Edward Holden of Bennington, Vermont, James K. Batchelder, William I. Jones and Irving E. Grout of Arlington, Vermont, T. J. Mallory of Woodford, Vermont and F. E. Shaw of Providence, Rhode Island, together with such persons as shall hereafter become stockholders, are hereby incorporated under the name of The Southern Vermont Light and Power Company and by that name they and their successors may have perpetual succession, may sue and be sued, may have a common seal and alter the same, and shall have all the rights and privileges incident to a corporation.



No. 378.—AN ACT TO AMEND SECTION 4 OF NO. 338 OF THE ACTS OF 1906, ENTITLED "AN ACT TO INCORPORATE THE INTERNATIONAL WATER COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 4 of No. 338 of the acts of 1906, is hereby amended so as to read as follows:

Sec. 4. The government and direction of said corporation shall be vested in a board of not less than nine nor more than twelve directors, to be chosen by the stock-holders of said company, as shall be provided by the by-laws of said company. The chairman of the board of trustees of said village of Derby Line and the mayor of the village of said Rock Island and the mayor of the village of said Stanstead Plain, may each be directors of said company so long as the village each represents shall hold stock in said corporation. Each share of stock shall entitle the holder to one vote. Said directors shall hold office one year, and until their successors are chosen. A majority of the directors shall constitute a quorum at any meeting duly called. The directors shall elect a president from their number and appoint a clerk and treasurer. The same person may hold the office of clerk and treasurer.

SEC. 2. This act shall take effect from its passage.

Approved February 4, 1913.

No. 379.—AN ACT TO AMEND SECTION 5 OF NO. 341 OF THE ACTS OF 1906, ENTITLED "AN ACT TO INCORPORATE THE WALLINGFORD WATER COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 5 of No. 341 of the acts of 1906 is hereby amended by adding thereto the following:

Said corporation may issue and increase its capital stock in the manner provided in sections 4311 and 4312 of the Public Statutes, as amended by No. 143 of the acts of 1910.

SEC. 2. This act shall take effect from its passage.

Approved January 7, 1913.

No. 380.—AN ACT CONCERNING THE BARRE RAILROAD COMPANY AND THE EAST BARRE AND CHELSEA RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Barre Railroad Company is hereby authorized and shall have full power to acquire by purchase or lease, and to operate or to merge or consolidate with the East Barre and Chelsea Railroad Company, and to acquire shares of stock, bonds or securities thereof and to issue in payment therefor its stock or obligations or both, and shall by virtue of such merger or consolidation succeed to and have all the rights, powers, privileges and franchises of said East Barre and Chelsea Railroad Company.

SEC. 2. The said consolidated railroad company shall be and be called the Barre and Chelsea Railroad Company.

SEC. 3. This act shall take effect from its passage.

Approved February 3, 1913.

No. 381.—AN ACT TO INCORPORATE THE RUTLAND AND BETHEL RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Such persons as shall hereafter become stockholders are hereby constituted a body corporate, by the name of the Rutland and Bethel Railroad Company, for the purpose and with the right of building a railroad with a single or double track, of such gauge or width as shall be determined advisable, from some point in the city of Rutland, through the city of Rutland and the towns of Rutland, Pittsford, Chittenden, Mendon and Pittsfield, to some point in the town of Stockbridge, and to transport persons and property over the same by the power of steam or otherwise, and by that name may have perpetual succession, sue and be sued, have a common seal, and shall have all the rights incident to railroad corporations.

SEC. 2. The capital stock of said company shall be two hundred thousand dollars, which may be increased from time to time, or by issuing preferred stock or bonds, to such an amount as may be necessary to complete said railroad and furnish all necessary buildings, rolling stock, railway furniture and other appurtenances needful and convenient for the use of said railroad,



and said capital stock shall be divided into shares of one hundred dollars each.

SEC. 3. F. H. Morrill, W. K. Barrows, C. A. Brown, J. C. Temple and C. L. Howe shall be the commissioners to receive subscriptions to the capital stock of said company, who shall open the book therefor at such times and places as they, or a majority of them, shall elect, giving ten days' notice thereof by publication in one or more newspapers published in Rutland and Windsor counties.

SEC. 4. Said commissioners shall, as soon as five hundred shares of the capital stock of said company have been subscribed, cause notice to be given to the stockholders for the election of not less than five nor more than seven directors of said company, which notice shall be given by publication in one or more newspapers published in Rutland and Windsor counties at least two weeks prior to the time of holding such election, at which time and at the place indicated in said notice the stockholders shall elect said directors, who shall hold their offices for one year and until others are elected. In case of vacancy in such board of directors the same may be filled by appointment by said board for the unexpired term.

SEC. 5. The directors of said company may cause examinations and surveys of the line of said road to be made, and after such examinations and surveys may locate said road, not to exceed four rods in width, except where reasonably required for stations, switches, yards and terminals, and shall, by a certificate under their hands and corporate seal of said company, designate the lands on which they have located said road, stations, switches, yards and terminals, and shall cause the same to be recorded in the town clerk's office in each town wherein such lands are located. The directors of said company may from time to time make such alterations in the locations of said road, stations, switches, yards and terminals as they deem expedient, causing certificate of such alterations to be made and recorded as above provided.

SEC. 6. Said directors may contract with any person or corporation to supply the equipment for, and to construct said road, and in payment for said equipment or construction, or both, may issue and deliver any part of its capital stock, as full paid stock, together with such an amount of its preferred stock or bonds secured by mortgage on its property and franchises, including after acquired property, as may be permitted by the laws of this state. And said directors may lease, or by purchase acquire, the property, property rights and franchises of any other railroad with which its line as located may connect, and make payment therefor as hereinbefore provided for construction and equipment, or otherwise.

SEC. 7. If said company shall not within three years from the passage of this act commence the construction of its said road, and expend thereon at least five percent of its capital stock, and

shall not within five years from the passage of this act complete the same, then this act shall be void, except as to the portion of said road which shall then be constructed.

SEC. 8. This act shall be deemed and taken to be a public act, shall be construed favorably and beneficially for all purposes for which the same is intended, and the company hereby incorporated shall possess and enjoy the right of eminent domain and all the rights and powers conferred upon railroad corporations by and subject to the general laws of this state; but said company shall not be required to cause the location of its road to be made or recorded, or to commence the construction of the same, before the expiration of the period first named in section 7 of this act.

SEC. 9. This act shall take effect from its passage, and shall be under the control of any future legislature to repeal, alter or amend as the public good may require.

Approved February 4, 1913.

#### No. 382.—AN ACT TO INCORPORATE THE BRATTLEBORO AND WILMINGTON RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Edward C. Crosby, Herbert G. Barber, J. G. Estey, M. J. Moran, Howard C. Rice, Martin Austin, Hermon E. Eddy of Brattleboro, Edwin P. Adams of Marlboro, Charles M. Ware, Eli H. Porter, L. T. Page and Henry E. Mann of Wilmington, Vermont, and John P. Kellas of Malone, New York, and K. S. McTeer of Hoosac Tunnel, Massachusetts, their associates, successors and assigns, are hereby constituted a corporation by the name of the Brattleboro and Wilmington railroad company, with power to promote, construct, establish, use, operate and maintain a railroad to be operated by steam or otherwise in the towns of Brattleboro, Vernon, Guilford, Halifax, Whitingham, Marlboro and Wilmington, or such of said towns as may be traversed by said railroad when the same is located, starting in the town of Brattleboro and ending in the village of Wilmington in the town of Wilmington.

SEC. 2. Said corporation shall possess and have the power to exercise the right of eminent domain and shall have all the privileges, rights, and powers given by the general law to railroad companies or corporations for acquiring, having and holding and possessing property, lands, tenements or hereditaments necessary or desirable for its location, construction, maintenance and operation and such water as may be necessary for its use, and shall have the



Sec. 16. Said company shall not commence the construction of said railroad until ten thousand dollars of its capital stock shall have been subscribed and at least fifty percent of the same shall have been paid in, and it may continue to construct the same from time to time as may seem best; but if said company does not before the first day of November, 1916, commence the construction of its road, or does not before the first day of November, 1921, complete the same, then this act shall be void except as to so much of the road as has been completed.

SEC. 2. This act shall take effect from its passage.  
Approved November 21, 1912.

No. 387.—AN ACT TO AMEND SECTION 9 OF NO. 180 OF THE ACTS OF 1882, RELATING TO THE RUTLAND AND TIDEWATER RAILROAD COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 9 of No. 180 of the acts of 1882 as amended by No. 183 of the acts of 1886, No. 216 of the acts of 1896, and No. 314 of the acts of 1908 is hereby amended so as to read as follows:

Sec. 9. If said company shall not, on or before the first day of January, 1919, commence the survey and construction of said road and expend at least fifty thousand dollars thereon, and shall not, within five years thereafter, complete and put in operation said road, so far as practicable, said corporation shall take no benefit of this act and the same shall be null and void, except so far as said road may be completed.

SEC. 2. This act shall take effect from its passage.  
Approved January 11, 1913.

No. 388.—AN ACT TO EXTEND THE TIME FOR BUILDING THE SWANTON AND ALBURG RAILWAY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The time within which the Swanton and Alburg Railway Company, a corporation organized under Chapter 189 of the Public Statutes, shall begin construction of its railroad and

expend thereon five percent of the amount of its capital is hereby extended to January 1, 1915; and its right to finish its railroad and put it in operation is extended to January 1, 1921, when it shall expire as to so much thereof as has not been completed and put into operation.

SEC. 2. This act shall take effect from its passage.  
Approved January 28, 1913.

No. 389.—AN ACT AUTHORIZING THE SULLIVAN COUNTY RAILROAD TO EXTEND ITS RAILROAD THROUGH THE TOWNS OF WINDSOR, HARTLAND AND HARTFORD.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Sullivan County Railroad is hereby authorized and empowered to build and maintain an extension of its railroad, with branches and spurs, in its discretion, by either of the three following described routes: First, beginning at a point in the line between the states of Vermont and New Hampshire in the town of Windsor at the end of a railroad bridge across the Connecticut river, to be constructed, northerly of the existing railroad bridge between Windsor and Cornish, New Hampshire, through the towns of Windsor and Hartland, to a convenient point in the said town of Hartland, on the line between the said states of Vermont and New Hampshire; or, second, from the northerly end of said railroad bridge across the Connecticut river, now standing, where its railroad now connects with the Central Vermont Railway Company's railroad at such point in the right of way of said Central Vermont Railway Company as the said Sullivan County Railroad and the said Central Vermont Railway Company may agree upon, and thence northerly through the towns of Windsor and Hartland to a convenient point in said town of Hartland in the line between the states of Vermont and New Hampshire; or, third, from either of said point of beginning through the towns of Windsor, Hartland and Hartford to such point of connection with the Central Vermont Railway Company's railroad in said town of Hartford, as the two companies may agree upon.

SEC. 2. Said Sullivan County Railroad shall have and enjoy the right of eminent domain, and may lay out, construct and maintain such extension with a single or double track on the route designated by its location, as provided by law, may build, erect and maintain suitable and convenient branches, buildings, stations, fixtures, machinery, side-tracks and terminal facilities, and



station to be erected adjacent to said overpass, which shall comprise the passageway over the railroad tracks, shall have the same clearance over the rails as the overpass.

SEC. 2. This act shall take effect March 1, 1913.

Approved January 23, 1913.

No. 393.—AN ACT RELATING TO TAXATION OF PROPERTY OF BENNINGTON MASONIC SOCIETIES.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. All property held in trust for the benefit of the several masonic societies in the town of Bennington, shall be exempt from taxation so long as said property is used exclusively for masonic or charitable purposes.

Approved December 4, 1912.

No. 394.—AN ACT TO EXEMPT THE PROPERTY OF THE PYTHIAN ASSOCIATION OF THE CITY OF RUTLAND FROM TAXATION.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The property of the Pythian Association of the city of Rutland, a corporation organized under the general laws, shall be exempt from taxation so long as such property is used exclusively for Pythian and other charitable purposes.

SEC. 2. This act shall take effect from its passage.

Approved November 20, 1912.

No. 395.—AN ACT TO AMEND NO. 382 OF THE ACTS OF 1910, ENTITLED "AN ACT TO INCORPORATE THE SECOND CONGREGATIONAL SOCIETY IN BROOKFIELD, VERMONT".

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 2 of No. 382 of the acts of 1910 is hereby amended so as to read as follows:

Sec. 2. The objects of the corporation shall be to co-operate with the Second Congregational Church of Brookfield in the carrying on of religious worship, the erection, owning and preserving of buildings for religious uses, together with such other objects as may be deemed needful in connection therewith.

SEC. 2. Section 5 of No. 382 of the acts of 1910 is hereby amended so as to read as follows:

Sec. 5. The officers of this corporation shall be a chairman, clerk, treasurer, auditor, collector and three trustees who shall be elected at each annual meeting of said corporation; and, on request of three members of said corporation, such officers shall be elected by ballot. Said officers shall hold office for one year and until their successors are duly elected.

SEC. 3. Section 6 of No. 382 of the acts of 1910 is hereby amended so as to read as follows:

Sec. 6. All members of the Second Congregational Church connected with this corporation, of full age and in good and regular standing, and such other persons of full age, who, for one year preceding each annual meeting, shall have contributed to the financial support of said society, shall be qualified members and voters of said corporation.

SEC. 4. Section 7 of No. 382 of the acts of 1910 is hereby amended so as to read as follows:

Sec. 7. The annual meeting of said corporation shall be held on the Monday following the first Sunday in January, at one o'clock and thirty minutes in the afternoon. A notice of the time and place of all meetings of said corporation and of the business to be transacted at said meeting shall be publicly read at the regular meeting of the Church for public worship on two successive Sundays immediately preceding such meeting, and said corporation shall, by its by-laws, prescribe the manner of calling special meetings.

SEC. 5. This act shall take effect from its passage.

Approved January 28, 1913.

No. 396.—AN ACT TO INCORPORATE THE PITTSFORD CONGREGATIONAL CHURCH AND SOCIETY OF PITTSFORD, VERMONT.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The Pittsford Congregational Society, The Pittsford Congregational Church and The Pittsford Congre-



stockholder omitting to make such payment shall be forfeited, together with all previous payments made thereon, provided the whole amount of said capital stock shall be paid in within two years of the date of organization of the said corporation. When the capital stock is fully paid in, certificates of stock shall be issued therefor.

SEC. 7. All the business of said corporation shall be managed by not less than five nor more than nine directors, a majority of whom shall constitute a quorum for the transaction of business, who shall own stock in said corporation each to the amount of not less than one thousand dollars absolutely unpledged, and who shall be inhabitants of this state, and shall hold their office until the second Tuesday of January after their appointments and until their successors are elected and qualified; and they shall be elected annually after their first election, at such time and place as a majority of the directors for the time being shall determine, public notice whereof shall be given by publication of same in a newspaper printed in said county for the space of two weeks next previous to such election, and all such elections shall be by ballot by the stockholders of said corporation who shall be present in person or by proxy and the several persons who receive the greatest number of votes at such election shall be directors; and if any two or more persons receive an equal number of votes, so that more than the required number of persons by plurality of votes, appear to be elected, the stockholders shall proceed to ballot a second time and by plurality of votes determine which of said persons so having an equal number of votes shall be directors, and in case a vacancy happens, the vacancy shall be filled from among the stockholders by a majority of the remaining directors. After their election, the directors shall elect from their number a president, vice-president and such other officers as they deem necessary. Each of said directors shall be liable to the creditors and stockholders of said corporation for any loss which may be sustained in consequence of his unfaithfulness or remissness in the discharge of his official duties hereinbefore and hereinafter prescribed and any number of such directors may be sued in the same action by any claimant under these provisions.

SEC. 8. If the election of directors shall not be made on the day herein prescribed, said corporation shall not thereby be dissolved but a meeting for the election of directors may be held on any day under such regulations as shall be prescribed by the by-laws of the corporation.

SEC. 9. This corporation shall have all the powers and privileges and be subject to all the obligations specified in the provisions of law applicable to trust companies, and shall also be subject to all general laws which may be hereafter enacted in relation to trust companies.

SEC. 10. The directors of said corporation may make, alter and amend such by-laws and regulations as they may deem necessary and proper.

SEC. 11. The corporation shall be allowed as compensation for the care of trust property, the investment and collection of the same, and for other services rendered in the execution of each trust, such sum as shall be agreed upon; and in the absence of any agreement, such compensation as is fixed by the by-laws or regulations of said corporation in force at the time such trust is created.

SEC. 12. No director, officer or employe of said corporation shall be at any one time, directly nor indirectly indebted to said corporation for more than five per cent part of the capital stock actually paid in, and no loan shall be made to such director, officer, or employe of said corporation without the written consent of a majority of the directors; provided that the discount of *bona fide* bills of exchange drawn against actually existing values, and the discount of business and commercial paper actually owned by such director, officer, or employe negotiating the same, shall not be considered as money borrowed; but no loan or discount of such commercial or business paper of any individual, firm, or corporation shall exceed the sum of ten thousand dollars, nor shall any loan be made by such corporation upon a pledge of its own stock.

SEC. 13. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment; and no dividends shall be made or declared upon the capital stock of said corporation until the same are actually earned and realized over and above all losses and expenses.

SEC. 14. This act shall take effect from its passage.  
Approved January 7, 1913.

No. 420.—AN ACT TO EXTEND THE PROVISIONS OF NO. 302 OF THE ACTS OF 1904, ENTITLED "AN ACT TO INCORPORATE THE RUTLAND COUNTY TRUST COMPANY", AS AMENDED BY NO. 396 OF THE ACTS OF 1906, NO. 360 OF THE ACTS OF 1908, AND NO. 404 OF THE ACTS OF 1910.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The provisions of No. 302 of the acts of 1904, entitled "An act to incorporate the Rutland County Trust Com-



pany", as amended by No. 396 of the acts of 1906, No. 360 of the acts of 1908 and No. 404 of the acts of 1910, are hereby extended for two years from December 7, 1912.

SEC. 2. This act shall take effect from its passage.

Approved December 5, 1912.

No. 421.—AN ACT TO AMEND NO. 405 OF THE ACTS OF 1910, ENTITLED "AN ACT TO INCORPORATE THE SPRINGFIELD TRUST COMPANY."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The provisions of No. 405 of the acts of 1910, entitled "An act to incorporate the Springfield Trust Company," are hereby extended for two years from January 27, 1913.

SEC. 2. This act shall take effect from its passage.

Approved November 14, 1912.

No. 422.—AN ACT TO INCORPORATE THE STOWE SAVINGS BANK AND TRUST COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The subscribers to the capital stock of the corporation hereby established and their successors and assigns are constituted a corporation and body politic, by the name of the Stowe Savings Bank and Trust Company; and by that name may sue and be sued; may have a common seal and the same may alter at pleasure; may purchase and hold real and personal estate for its own use and such real and personal estate as may be received in the collection of debts, and may sell and convey the same and shall have and enjoy all the privileges incident to corporations; and said Savings Bank and Trust Company shall be established in the town of Stowe in the county of Lamoille.

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars with power to increase the same from time to time to an amount not exceeding one hundred thousand dollars, by a vote of a majority of the whole capital stock at a meeting of stock-holders called for that purpose and shall be divided into shares of the par value of fifty dollars each, to be paid in at such time and in such manner as the board of directors may provide. In case of an increase in the capital stock of said corporation, as

provided in this section, above twenty-five thousand dollars, said corporation shall file a certificate thereof in the office of the secretary of state, together with such additional fee or franchise tax as is provided by the general law of the state, and such increase of stock shall not be valid until such certificate is filed and such fee or tax paid.

SEC. 3. O. E. Luce, H. E. Shaw, A. H. Cheney, J. C. Benson, H. W. Barrows, M. D., J. C. Morgan, M. D., C. F. Eddy, W. B. Macutchan, F. E. Stafford, G. W. Buzzell, H. E. Pike, C. O. Burt, H. C. McMahon, M. C. Lovejoy, C. A. Simmons, F. E. Smith, C. A. Riley, H. E. Jenney, J. R. Wells and F. S. Boardman, are appointed commissioners for receiving subscriptions for shares in the capital stock of such corporation, and they shall open books for that purpose in the town of Stowe, in the county of Lamoille, within two years after the passage of this act, and notice of the time and place of such opening shall be published at least three weeks in succession in a newspaper published in Lamoille county, the last of which publication shall not be more than two weeks previous to the day fixed for such opening, which notice shall be signed by at least a majority of said commissioners. Said commissioners shall be sworn to the faithful discharge of their duties and such books shall continue open from ten o'clock in the forenoon until four o'clock in the afternoon each day, Sunday excepted, for the space of ten days and thereafter until five hundred shares shall have been subscribed for; and the subscribers shall, at the time of subscribing, deposit with the commissioners ten dollars on each share by them subscribed for. The commissioners, in case more than the whole amount of capital stock is subscribed for, shall allot and distribute the same among the subscribers in such manner as they shall deem most for the interest of all concerned; and if there shall be an increase in the capital stock of said corporation as herein provided, said increase shall be divided among the then stockholders pro rata, if they will accept and pay for the same; and in case the whole of such increase is not then distributed, the surplus may be divided among the then stockholders of said corporation who will receive and pay for the same, in proportion to the amount of stock held by them, or in such manner as the board of directors shall determine.

SEC. 4. Said commissioners shall, upon the whole amount of stock being subscribed for, or within ninety days thereafter, call a meeting of the subscribers of said corporation, to be held in the town of Stowe, by publishing a notice thereof, signed by a majority of them, in a weekly newspaper printed in the county of Lamoille two weeks successively previous to said meeting, for the purpose of electing five, seven or nine directors of said corporation; and said commissioners shall deliver to said directors when elected and qualified and within ten days after the directors shall enter upon the duties of their office, a list of the names of all persons entitled to shares in said corporation, and the number of shares



Rutland Probate Court

ACTS AND RESOLVES  
PASSED BY THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT  
AT THE  
TWENTY-THIRD BIENNIAL SESSION  
1915

Session Commenced January 6, 1915  
Adjourned April 3, 1915



PUBLISHED BY AUTHORITY  
**Acts & Resolves 1915**



**No. 275.—AN ACT TO AUTHORIZE THE CITY OF BURLINGTON TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A CONVENTION HALL.**

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The city of Burlington is hereby authorized to issue its negotiable bonds in an amount not to exceed fifty thousand dollars, for the purpose of building a convention hall.

SEC. 2. The mayor of the city may and, upon written application signed by twenty legal voters of the city, shall call a meeting of the legal voters of the city to be held at the usual place of holding city meetings, which meeting shall be held not more than twenty days nor less than five days from the time of posting notices. The warning shall state that the business of the meeting is to determine if the city will vote to issue its negotiable bonds in an amount not to exceed fifty thousand dollars, for the purpose of building a convention hall; and if it so votes the city is authorized to issue its negotiable bonds, with or without coupons, in an amount not to exceed fifty thousand dollars and with interest not to exceed four and one-half per cent, for the purpose of carrying out the provisions of this act.

SEC. 3. The city council shall carry into effect the vote of the city according to the terms thereof and may vote and act for the city on all proper occasions for that purpose, and their votes and acts in accordance with the vote of such meeting shall bind the city in this respect.

SEC. 4. Bonds issued in accordance with this act shall be issued in denominations of not less than one hundred dollars, and not more than one thousand dollars each, shall be payable in not less than one year nor more than fifty years from the date of their issue, shall contain the statement that they were issued for the purpose herein specified and in conformity with the provisions of this act, which shall be conclusive evidence of the liability of the city to any *bona fide* holder thereof, and shall be signed by the mayor and countersigned by the treasurer of the city. If interest coupons are attached to the bonds, they shall be signed by the treasurer of the city.

SEC. 5. The city council shall annually provide by tax for the payment of the interest on such bonds and may provide a sinking fund for the payment thereof at maturity.

SEC. 6. The city treasurer shall keep a record of all bonds issued in accordance with this act, the date, payment and discharge thereof as provided in the charter of the city for other bonds issued by the city.

SEC. 7. This act shall take effect from its passage.

Approved April 2, 1915.

**No. 276.—AN ACT TO AMEND SUBDIVISION XV OF SECTION 46 OF NO. 249 OF THE ACTS OF 1908, RELATING TO THE CHARTER OF THE CITY OF RUTLAND.**

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Subdivision XV of section 46 of No. 249 of the acts of 1908 is hereby amended so as to read as follows:

XV. To prevent immoderate riding or driving and to regulate the management, operation, use and speed of automobiles, motor and other vehicles in the streets, and to prevent cruelty to animals.

Approved March 12, 1915.

**No. 277.—AN ACT TO AMEND THE CHARTER OF THE CITY OF RUTLAND.**

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Sub-division XXXII of section 46 of No. 249 of the acts of 1908 is hereby amended so as to read as follows:

To provide a supply of water for the protection of the city against fire and for the use of the inhabitants of said city, and for other purposes; to establish, increase, maintain and repair reservoirs, aqueducts, water pipes, pipe lines and other necessary apparatus for and in connection with its water supply; and from time to time to increase and add to its water supply; to preserve, protect, maintain and operate the same; and in the exercise of such powers the said city of Rutland may purchase and take, within or without its corporate limits, lands, springs, streams and water rights of individuals and corporations, and divert waters from natural channels into its water supply, on making compensation therefor. But said city shall not take, otherwise than by gift or purchase, waters, or a spring of water, which the owner or lessee or other person having a vested right or interest therein, or in the use thereof, may reasonably require for domestic use or watering stock. But no money other than funds received on account of the water works shall be appropriated without a vote to that effect by the legal voters of the city.

SEC. 2. Section 55 of No. 249 of the acts of 1908, as amended by No. 295 of the acts of 1912, is hereby amended to read as follows:

In taking lands, springs, streams and water rights and diverting waters from natural channels into its water supply, for the purpose of establishing, increasing, maintaining and repairing reservoirs, aqueducts, water pipes, pipe lines and other



necessary apparatus for and in connection with its water supply and for the purposes of increasing and making additions to its water supply, and for the preservation, protection, maintenance and operation of the same, the city council shall proceed in the same manner in which selectmen of towns are authorized to proceed in the taking of lands for highways, and in performing all acts and doing all business in taking such lands, the mayor shall vote as other members thereof.

Any person owning or interested in such lands, springs, streams, and water rights and waters, who is dissatisfied with the decision of the city council taking the same or in awarding him damages therefor, may have the same right of appeal to the county court and the same proceedings in respect thereto which shall be conducted in the same manner and have the same effect as in the case of lands taken by the selectmen in any town in this state for the purpose of laying out, altering or resurveying a highway in said town; but if such proceedings are instituted only in respect to the appraisal of damages for lands, springs, streams, water rights and water, so taken by the city council, such proceedings shall not prevent said city from establishing, increasing, maintaining and repairing reservoirs, aqueducts, water pipes, pipe lines, hydrants and other apparatus necessary for such purposes on the lands so taken, and from taking springs, streams, water rights and water, as if no such proceedings had been instituted.

SEC. 3. No. 249 of the acts of 1908, as amended by No. 295 of the acts of 1912, is hereby amended by restoring and adding the following section:

Sec. 56. In giving notice to all persons owning or interested in any lands, streams, springs, water rights or water, to be taken for such purposes, the city council shall issue its citation, signed by the mayor or its clerk; said citation shall be served in the same manner and the several officers shall perform the same duties in respect thereto, as provided in this act for citations issued by the board of highway commissioners.

SEC. 4. This act shall take effect from its passage.

Approved April 2, 1915.

#### NO. 278.—AN ACT TO AMEND THE CHARTER OF THE CITY OF RUTLAND.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 46 of No. 249 of the acts of 1908 is hereby amended by adding thereto the following sub-division:

To order any streets sprinkled with oil or water, and to order the improvement of streets, lanes or alleys, when in its judgment the public good requires, and to make assessments therefor.

SEC. 2. Section 182 of No. 249 of the acts of 1908 is hereby amended by adding thereto the following:

#### STREET SPRINKLING.

Sprinkling of streets in said city with oil or water shall be done under the charge of the commissioner of public works, who shall assess the lands or buildings on each side of and abutting on any street or portion of a street sprinkled or oiled as aforesaid, one-third the expense for sprinkling or oiling such street or portion thereof, to be apportioned to each piece or parcel of land according to the lineal frontage thereof; and said city shall pay one-third of such expense, and in addition shall pay its pro rata expense in case it is an owner of lands or buildings abutting upon any such street or portion thereof sprinkled as aforesaid.

Such assessment shall be made upon notice by publication for three successive days in any daily newspaper published in said city, the first of which publications shall not be more than ten days, and the last publication not less than two days before the date fixed for making such assessments.

Such notice shall contain the names and portions of all the streets which have been so sprinkled and for which such assessment is to be made.

Such assessments for sprinkling streets shall be due on the twentieth day of November of each year, and payable within fifteen days thereafter. The commissioner of public works shall make a statement of all such assessments, describing the lands or buildings so assessed, and before the twentieth day of November of each year shall cause the same to be recorded in a book kept for that purpose in the city clerk's office; when so recorded such assessment shall be and remain a lien, in the nature of a tax lien, upon the lands or buildings so assessed, until the same shall have been paid.

#### STREET IMPROVEMENTS, HOW ORDERED.

Whenever the owners of the greater part of the lands or buildings abutting upon any street, lane or alley, or part thereof in said city, shall present their petition in writing to the city council, praying that such street, lane or alley, or part thereof as specified be graded, paved or macadamized, curbed and guttered, and that a sidewalk or the sidewalks thereof be constructed or repaired, or paved or laid with flagging or such other material as may be ordered by the commissioner of public works, or that either one or more of such improvements be made, the city council may order and direct the commissioner of public works to cause such improvements to be made.

The city council shall have power, without such petition, to order and direct the commissioner of public works to make one or more of the improvements above specified, and to assess against the owner or owners of the lands or buildings abutting



upon such street, lane or alley, and adjoining the part where such improvements shall be made, whether made upon petition or otherwise, one-third the expense of improving such street, lane or alley, or portion thereof, to each piece or parcel of land according to the lineal frontage thereof; and to assess against the owner or owners of the land or buildings abutting upon such sidewalk or sidewalks, and adjoining the part where the same shall be made, whether upon petition or otherwise, one-half the expense of constructing or repairing such sidewalk, or sidewalks, or portion thereof, to each piece or parcel of land according to the lineal frontage thereof.

#### ASSESSMENTS FOR STREET IMPROVEMENTS.

Said assessments shall be made upon giving to the parties interested twelve days' notice of the time and place of hearing, in the manner herein provided in respect to laying out or altering highways.

The commissioner of public works shall make up a statement of all assessments, describing the lands or buildings assessed, and forthwith cause the same to be recorded in the city clerk's office, and when so recorded such assessments shall be and remain a lien, in the nature of a tax, upon the lands or buildings so assessed until the same shall be paid.

It shall be the duty of the city clerk to place said list of assessments in the hands of the city treasurer for collection, as soon as may be after he shall have recorded the same. The city treasurer shall thereupon forthwith notify in writing, the owner or owners of lands or buildings so assessed, their agents or attorneys, stating therein the amount of such assessments.

All such assessments shall be paid to the city treasurer within sixty days after the same shall have been filed for record in the city clerk's office; unless the owner or owners of lands or buildings so assessed shall have before that time filed in the office of the city clerk their request in writing to pay such assessments in installments as hereinafter provided.

#### STREET IMPROVEMENT CERTIFICATES.

The city council, at any time prior to the placing of the lists of assessments for said street improvements in the hands of the city treasurer for collection, may authorize the payment and collection of said assessments in five equal installments bearing annual interest at the rate of six per centum per annum from the date of the filing of the assessments in the city clerk's office until fully paid. The first installment shall be due on or before the first day of November next after the filing of said assessments in the city clerk's office by the commissioner of public works; and the remaining installments respectively on or before the first day of November in each of the four successive years thereafter; provided that if default be made for the space of ten days in the

payment of any installment or the interest thereon, after the same shall have become due, all installments shall, at the option of the holder of the certificates hereinafter mentioned, become at once due and payable.

In all cases said assessments and the installments thereof and interest thereon shall be and remain a lien upon the lands and buildings assessed until the same are fully paid, and shall have precedence over all other liens excepting ordinary taxes.

Any and all owners of lands or buildings so assessed desiring to pay their assessments in such installments shall, within sixty days after such assessments shall have been recorded, file in the office of the city clerk their request in writing to that effect; whereupon said city is hereby empowered and directed to issue and deliver to the city treasurer its several certificates, signed by the mayor and countersigned by the city clerk of said city, covering each of said assessments so to be paid in installments.

Said certificates shall contain a statement of the name of the street, lane or alley, the nature and kind of improvements thereon; the amount of the assessments therefor; a description of the lands and buildings and the name or names of the owner or owners thereof so assessed; the date of the filing of said assessments in the city clerk's office; and a statement that said assessment and all the installments thereof and interest thereon, are a lien on said lands and buildings assessed, subject only to ordinary taxes; that the same are due and payable to the city treasurer or the holder of said certificates in the manner, at the times and as provided in this act; and a statement of such other provisions hereof as may be deemed advisable.

Said certificates shall in no case be issued to the city treasurer, nor shall said assessments be payable in installments, unless the owner or owners of such land and buildings so assessed shall severally promise and agree in writing, endorsed on said certificates that, in consideration of having the right to pay his or their assessments in installments bearing interest as stated in said certificates, he or they waive all right of appeal from the assessments so filed in the city clerk's office, and will not make any objection of illegality or irregularity as to the same and will pay the assessments and the installments thereof with annual interest thereon at six per centum, as specified in said certificates and as provided in this act.

The city treasurer is hereby authorized to hold said certificates covering and representing all such assessments payable in installments as aforesaid as the property of said city, and to invest any of the funds of the city in the same, for the city; or he may sell and assign said certificates to any person or corporation and their assigns.

Said sale and assignment shall have the effect to transfer and convey all the right and interest of said city to, in and with respect to every such assessment and the installments thereof; and shall authorize the holder of the certificate to receive, sue



for and collect in his own name, or to have collected by the city treasurer, at the expense of said holder, every such assessment or installment embraced in such certificate, by or through any of the methods provided by law for the collection of assessments for such improvements, including the provisions of this act; and all sums collected by the city treasurer shall belong to the holder of such certificate.

SEC. 3. The portion of this act preceding the title "STREET IMPROVEMENTS, HOW ORDERED," shall take effect from its passage. The remainder of this act shall take effect when the city of Rutland shall, by a majority of the legal voters thereof present and voting at a meeting duly warned and held in whole or in part for that purpose, vote to accept the provisions thereof.

Approved February 26, 1915.

**No. 279.—AN ACT TO AMEND THE CHARTER OF THE CITY OF RUTLAND.**

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Sections 94, 95, and 96 of No. 249 of the acts of 1908 are hereby amended to read as follows:

Sec. 94. It shall be the duty of each board, commissioner or other officer who is authorized to expend any money or incur any indebtedness which shall be chargeable to said city, to prepare and submit to the mayor on or before the twenty-fifth day of November, 1915, and each year thereafter, estimates of the whole expense of maintaining each department under the charge of any such officer or board for the year ensuing from the first day of the following January. Such estimates shall be separate for each department and shall specify in detail the objects of the expenditures, the sum desired for each, and any special reasons the officer or board may have for desiring the same.

Sec. 95. The mayor shall annually on or before the third Monday in December prepare an estimate of the necessary appropriations to cover the expenses of each department and branch of the city government, to be known as the budget, and shall submit such budget to the board of aldermen for their guidance and action in making the annual appropriations and the tax levy. The board of aldermen may reduce the items of such budget but shall not increase them.

Sec. 96. The board of aldermen shall make the annual appropriations for each department before the first day of January following the submission of the budget for their consideration. All votes or resolutions providing for the annual appropriations of any year shall cease to be operative on the first day of January following the adoption of such votes or resolutions.

SEC. 2. This act shall take effect from its passage.

Approved February 26, 1915.

**No. 280.—AN ACT TO AMEND SECTION 3 OF NO. 150 OF THE ACTS OF 1896, ENTITLED "AN ACT TO INCORPORATE A CITY AND A TOWN OF ST. ALBANS," RELATING TO THE BOUNDARIES OF THE CITY OF ST. ALBANS.**

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Subdivision eleventh of section 3 of No. 150 of the acts of 1896 is hereby amended so as to read as follows, viz:

Eleventh. Thence southerly, in the west line of said Calvary cemetery lot and its continuations to the north end and to the south 2173 feet, and 7 inches.

Subdivision twelfth is hereby amended so as to read as follows, viz:

Twelfth. Thence westerly, 748 feet, to a stake.

SEC. 2. Section 3 of No. 150 of the acts of 1896 is hereby further amended by inserting two subdivisions to be numbered thirteenth and fourteenth to read as follows, viz:

Thirteenth. Thence southerly, 406 feet to a stake in the center of the main line of the Central Vermont Railway Company.

Fourteenth. Thence westerly along the main line of the Central Vermont Railway Company a distance of 229 feet to a stake.

SEC. 3. Subdivisions thirteenth to forty-fourth inclusive of section 3 of No. 150 of the acts of 1896, are hereby amended by renumbering the same so that they will be numbered fifteenth to forty-sixth inclusive.

SEC. 4. This act shall take effect from its passage.

Approved March 30, 1915.

**No. 281.—AN ACT TO AMEND THE FIRST PARAGRAPH OF SECTION 7 OF NO. 150 OF THE ACTS OF 1896 AS AMENDED BY SECTION 1 OF NO. 293 OF THE ACTS OF 1910, ENTITLED AN ACT TO CREATE A CITY AND A TOWN OF ST. ALBANS.**

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 7 of No. 150 of the acts of 1896 as amended by section 1 of No. 293 of the acts of 1910 is hereby amended so as to read as follows:

Sec. 7. At the annual meeting the said corporation shall elect from among the legal voters of said city a mayor, a city clerk, a city treasurer, and three city grand jurors who shall hold office until the next annual meeting and until their successors are duly elected and qualified; also one lister and one auditor who shall hold office for three years and until their successors are duly



elected and qualified. There shall also be elected petit and grand jurors for the county, who shall be nominated by the city council. At the annual meeting in March, 1915, there shall be elected six aldermen, one from each ward, who shall be bona fide residents of and elected by the voters of the respective wards they represent; two aldermen from wards one and two, respectively, who shall hold office for three years; two aldermen from wards three and four, respectively, who shall hold office for two years; two aldermen from wards five and six, respectively, who shall hold office for one year; and at all subsequent annual meetings, vacancies caused by the expiration of the term of office of aldermen shall be filled by the election of aldermen for the term of three years each; and all vacancies caused by resignation, death, removal from the city or other cause, shall be filled at an annual or special meeting, warned for the purpose, for the unexpired term of such aldermen and until their successors are duly elected and qualified.

SEC. 2. This act shall take effect from its passage.

Approved February 24, 1915.

No. 282.—AN ACT TO AMEND SECTION 7 OF NO. 150 OF THE ACTS OF 1896, ENTITLED "AN ACT TO INCORPORATE A CITY AND A TOWN OF SAINT ALBANS."

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. The second paragraph of section 7 of No. 150 of the acts of 1896 is hereby amended so as to read as follows:

The annual election shall be held, at such place as is designated by the city council, at six o'clock in the forenoon and the polls shall be kept open until three o'clock in the afternoon of the same day. Every election of city officers shall be by ballot and a plurality of votes shall be sufficient for an election.

SEC. 2. This act shall take effect from its passage.

Approved February 12, 1915.

No. 283.—AN ACT TO AMEND SECTION 9 OF NO. 150 OF THE ACTS OF 1896, AS AMENDED BY SECTION 2 OF NO. 293 OF THE ACTS OF 1910, RELATING TO THE CHARTER OF THE CITY AND TOWN OF ST. ALBANS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 9 of No. 150 of the acts of 1896, as amended by section 2 of No. 293 of the acts of 1910, is hereby amended so as to read as follows:

Sec. 9. The city council shall appoint and may remove at its pleasure and appoint others in their stead, the following officers, none of whom shall be members of the city council. A superintendent of streets and water-works, a city attorney, a constable, a board of fire wardens consisting of one chief and a first and second assistant engineer, an overseer of the poor; and such other officers as are required by law.

SEC. 2. This act shall take effect from its passage.

Approved February 22, 1915.

No. 284.—AN ACT TO AMEND SECTION 28 OF NO. 150 OF THE ACTS OF 1896 RELATING TO THE CHARTER OF ST. ALBANS.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 28 of No. 150 of the acts of 1896 is hereby amended so as to read as follows:

Sec. 28. The money raised by taxation, from fines, and from other lawful sources, shall constitute the entire sum from which appropriations and payment are to be made during the year in which such credit is pledged.

SEC. 2. This act shall take effect from its passage.

Approved February 24, 1915.

No. 285.—AN ACT TO AMEND SECTION 33 OF NO. 150 OF THE ACTS OF 1896, ENTITLED "AN ACT TO INCORPORATE A CITY AND A TOWN OF ST. ALBANS," AS AMENDED BY NO. 185 OF THE ACTS OF 1898.

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 33 of No. 150 of the acts of 1896, as amended by No. 185 of the acts of 1898, is hereby amended so as to read as follows:

Sec. 33. The city council may lay out, alter, maintain, establish and change the grade of, and discontinue any street, road, lane, alley, walk or sidewalk in said city, and appraise and settle the damages therefor, causing their proceedings to be recorded in the city clerk's office in said city, provided that any person aggrieved by their proceedings shall have the like opportunity for applying to the county court for the county of Franklin to obtain redress, as is or may be allowed by law to those aggrieved with the proceedings of selectmen in similar cases. The whole of the expense of making, altering, or repairing sidewalks in said city, shall be paid from the treasury of said city. Said city council in laying or establishing any sewer or drain in said